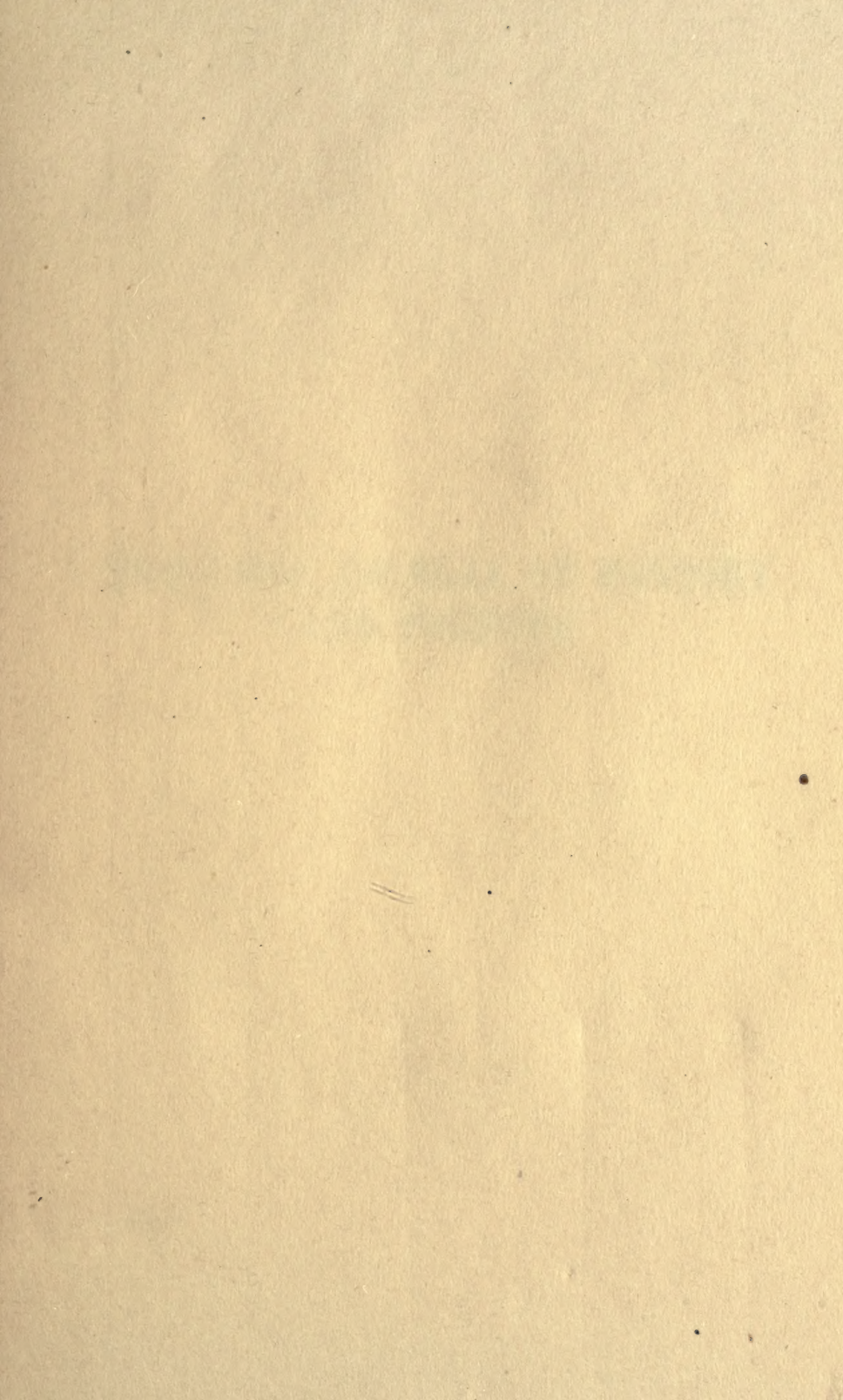



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THE
IOWA JOURNAL
OF
HISTORY AND POLITICS

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THE IOWA JOURNAL OF HISTORY AND POLITICS
JANUARY NINETEEN HUNDRED TEN
VOLUME EIGHT NUMBER ONE

THE ATTITUDE OF CONGRESS TOWARD THE PIONEERS OF THE WEST FROM 1789 TO 1820

[This is the first of a series of monographs in which an attempt will be made to trace the history of the attitude of Congress toward the pioneers of the West. It may appear to the student of American history that some phases of western history are too little considered, while other and less significant phases are rather fully discussed. This is due to the fact that only those incidents have been chosen that called forth opinions in Congress concerning the character of the pioneer population and reflected the attitude especially of eastern congressmen. Covering the period 1789 to 1820, from the organization of the First Congress to the time of the Missouri Compromise, the attitude of Congress towards the pioneers will be discussed under the following heads: (I) The Pioneers and the Public Lands; (II) Territorial Government in the West; (III) National Defense and Frontier Protection; and (IV) Internal Improvements in the West.—EDITOR.]

INTRODUCTION

“Sir, our brethren of the West have suffered, as our brethren throughout the United States, from the same cause, although with them the cause exists in an aggravated degree . . . by a departure from the industry, the simplicity, the economy, and the frugality of our ancestors. They have suffered from a greediness of gain, that has grasped at the shadow while it has lost the substance—from habits of indolence, of profusion, of extravagance . . . from a miserable attempt at the shabby genteel, which only serves to make our poverty more conspicuous.”

These words of rebuke John Randolph of Virginia addressed to the Kentucky members of Congress. Nor did he refrain from speaking of particulars, for he pronounced the western country a land “where any man may get beastly drunk for three pence sterling—in England, you cannot get a small wineglass of spirits under twenty-five cents; one such drink of grog as I have seen swallowed

in this country would there cost a dollar . . . the Western Country, where every man can get as much meat and bread as he can consume, and yet spend the best part of his days, and nights too, perhaps, on the tavern benches, or loitering at the cross-roads asking the news . . . a country, with countless millions of wild land and wild animals besides. . . I had as lief be a tythe-proctor in Ireland, and met on a dark night in a narrow road by a dozen white-boys, or peep-of-day boys, or hearts of oak, or hearts of steel, as an exciseman in the Alleghany mountains, met, in a lonely road, or by-place, by a backwoodsman, with a rifle in his hand.”¹

Continuing, the Virginia statesman not only denounced the habits of the western people, but also ridiculed them as “men in hunting shirts, with deer-skin leggings and moc-casins on their feet . . . men with rifles on their shoulders, and long knives in their belts, seeking in the forests to lay in their next Winter’s supply of bearmeat.”

Such bold and ungracious criticism did not fail to provoke replies from members who lived nearer the frontier than Virginia — members who claimed to know personally the long line of western pioneers extending across the country, north to south, from the Great Lakes to the Gulf of Mexico. “The gentleman from Virginia (Mr. Randolph) has . . . sought every possible occasion to pour forth his gall and bitterness, and to display his wit, against the people beyond the mountains”, exclaimed Mr. Robert P. Letcher of Kentucky a few days later on the floor of the House. “He has given to this House a most ludicrous description of their dress, their appearance, their manners, and their habits. He has taken peculiar pleasure in attempting to exhibit them before this nation as uncivilized

¹ *Annals of Congress*, 1st Session, 18th Congress, pp. 1298, 2364. January 30, and April 15, 1824.

savages, rather than as American citizens. I must . . . take the liberty of declaring to that gentleman that he is most grossly and inexcusably ignorant of the character, the feelings, the intelligence, and the habits, of the Western people. Sir, with the utmost frankness, I admit, their external appearance is not the most fashionable and elegant kind; they are not decorated in all the style, the gaiety, and the taste, of a dandy of the first water. Their means are too limited, and their discretion is too great, I trust, for the indulgence of such foppery and extravagance”.

“Of the past,” continued Mr. Letcher, “however, I will not speak. I will not make disagreeable and invidious comparisons. Let the firmness, the valor, the suffering, of the people of the West, during our recent conflict [the War of 1812] be forgotten. Say nothing of the laurels which they won in battle; say nothing of the many patient feats of starvation they endured, without a murmur. Withhold, if you choose, the gratitude of the nation; but I beg of you to do justice to their private virtues, to allow them, at least, a character for integrity of motive, for benevolence of heart, for hospitality of conduct. . . . Their hospitality is without ostentation, without parade, without hypocrisy. . . . Sir, these are the very citizens of whom the nation ought to be proud. They constitute the bone, and sinew, and strength, of your Government. In the hour of peril and danger, they are always ready to rally around the standard of their country. Call upon them to maintain the honor of the nation, to defend her rights, they set up no Constitutional scruples, in answer to your call, *about crossing boundary lines!*”²

² *Annals of Congress*, 1st Session, 18th Congress, p. 2522. May 3, 1824.

The reference to “crossing boundary lines” is to the famous controversy in the Cabinet and in Congress concerning Major-General Andrew Jackson’s pursuit of the Seminole Indians into Spanish territory, during the Seminole Indian War of 1818.

This episode in congressional debate illustrates two attitudes toward the pioneers of the West — one unfavorable to them, the other favorable. The attitude expressed by Mr. Randolph viewed with displeasure the westward movement, regarding it as a lawless migration resulting in a depopulation of eastern States and involving enormous expenditures on the part of the Federal government for the protection of the ever advancing frontier. The attitude expressed by the Kentucky Representative considered the rise of the West as a great empire expansion, contributing to the prosperity and prestige of the whole United States.

It is not surprising that opinions of different members in Congress concerning the character of the pioneers should have varied according to the light in which they viewed the growth of the West. Nor was there any lack of opportunity for such expression of opinion. Territorial questions were considered by Congress at every regular session since the adoption of the Federal Constitution. Sometimes these questions were of tremendous importance — as the bills to admit into the Union the States of Maine and Missouri. Sometimes they have been of only local significance — as private land claim bills. The congressional debates upon all these questions constitute a unique history of the progress of the West.

The close identification of Congress with the history of the West which the debates reveal was due to a combination of circumstances occurring at the time of the Confederacy and the formation of the Union. Stated briefly they are: (1) by the Treaty of Paris, 1783, Great Britain relinquished to the exclusive jurisdiction of the United States all of the British claims west of the Alleghanies as far as the Mississippi River; (2) the Constitution of the Confederation and the Constitution of 1787 provided that the Federal legislature should establish all rules and regulations for Terri-

tories; (3) the original States ceded to the general government the greater part of their claims to western lands, thus placing in the power of Congress the entire disposal of almost all the vacant lands in the western country; and (4) by virtue of the Constitution of 1787 Congress had the power to admit new States into the Union.

Thus from the beginning of the new nation Congress was vested with the imperialistic control of the western country, and the exercise of this many sided function brought forth a multitude of debates reflecting various views and attitudes concerning the people who went beyond the mountains, opened the wilderness to settlement, and laid the foundations of a new empire—the Empire of the West. Consequently a study of the character of the pioneers in this new and peculiarly American empire will throw light on the forces that have builded a nation.

I

THE PIONEERS AND THE PUBLIC LANDS

In obedience to an order of the House of Representatives³ Alexander Hamilton, Secretary of the Treasury, on July 22, 1790, communicated to the House a plan for disposing of the public lands.⁴ In this report he stated with his usual clearness the relation of the government to the applicants for lands in these words:

In the formation of a plan for the disposition of the vacant lands of the United States, there appear to be two leading objects of consideration: one, the facility of advantageous sales, according to the probable course of purchases; the other the accommodation of individuals now inhabiting the Western country, or who may hereafter emigrate thither. The former, as an operation of finance, claims

³ *Journal of the House of Representatives of the United States* (Washington, Gales and Seaton, 1826), Vol. I, p. 143. January 20, 1790.

⁴ *Journal of the House of Representatives* (1826), Vol. I, p. 276.

primary attention; the latter is important, as it relates to the satisfaction of the inhabitants of the Western country. It is desirable, and does not appear impracticable, to conciliate both. Purchasers may be contemplated in three classes: moneyed individuals and companies, who will buy to sell again; associations of persons, who intend to make settlements themselves; single persons, or families now resident in the Western country, or who may emigrate thither hereafter. The first two will be frequently blended, and will always want considerable tracts. The last will generally purchase small quantities. Hence, a plan for the sale of the Western lands, while it may have due regard to the last, should be calculated to obtain all the advantages which may be derived from the two first classes. For this reason, it seems requisite that the General Land Office should be established at the seat of Government. It is there that the principal purchasers, whether citizens or foreigners, can most easily find proper agents, and that contracts for large purchases can be best adjusted.

But the accommodation of the present inhabitants of the Western Territory, and of unassociated persons and families who may emigrate thither, seems to require that one office, subordinate to that at the seat of Congress, should be opened in the Northwestern, and another in the Southwestern Government.⁵

Hamilton further proposed that the public lands should be divided into separate tracts for three different purposes: (1) there should be sufficient tracts to satisfy subscribers to the proposed loan for the public debt; (2) tracts for the purpose of location by actual settlers, in quantities not exceeding one hundred acres to one person; and (3) tracts set apart for sales (in townships of ten miles square) to moneyed individuals, companies, or associations. Previous to this report there had been but two tracts of public land sold by contract since the cession of western claims by the original States. The first sale was made in 1787 to Winthrop Sargent and Manasseh Cutler on behalf of the Ohio Company, of lands located on the Scioto and Ohio rivers.⁶

⁵ *American State Papers, Public Lands*, Vol. I, p. 8.

⁶ *Journals of the American Congress* (1823), Vol. IV, Appendix, pp. 16, 17.

The next sale was to John Cleves Symmes of New Jersey, to whom Congress on October 15, 1788, contracted to sell land situated on the Ohio River, between the Great and the Little Miami rivers.⁷

While Hamilton's plan contemplated similar sales of extensive districts of land to individuals or companies, it also included the sale of small quantities by the government to pioneers who should take actual possession and cultivate the soil. It seems to have been the sense of Congress that such a policy was more consistent with democracy. It placed the public lands directly within the reach of the great body of citizens, without passing through the hands of capitalists or speculators who, alone, could afford to finance large tracts of land.

On January 20, 1790, the day when the Secretary was instructed to prepare a plan for the disposal of the public lands, Mr. Roger Sherman of Connecticut said in the House of Representatives that "the unappropriated land in the Western Territory was a great fund of wealth, and which, if properly disposed of, might extinguish the national debt, and be peopled by a valuable class of citizens; but if, from a mistaken policy, it was thrown away upon foreign adventurers or speculators, the public would get nothing for it, as had been the case heretofore, in the sale of large districts, where the expenses attending the surveys, &c. left very little profit to the United States."⁸

Mr. Michael Stone of Maryland thought "that a land-office ought to be opened where every one could be accommodated." He had "no idea of giving preferences or enabling one man to make a better bargain than another."⁹

⁷ *United States Statutes at Large*, Vol. I, p. 266; *Journals of the American Congress* (1823), Vol. IV, Appendix, pp. 17, 18.

⁸ *Annals of Congress*, 2nd Session, 1st Congress, Vol. I, p. 1107. January 20, 1790.

⁹ *Annals of Congress*, 2nd Session, 1st Congress, Vol. I, p. 1107.

Mr. Elias Boudinot of New York was of the opinion "that the business of selling lands was of considerable consequence; if it was properly managed, it might be a productive source for the extinguishment of the national debt; but much depended upon the manner of setting out. If they went into a desultory mode of selling lands, they might do material injury." He wished a general and systematic plan might be adopted.¹⁰

Almost a year before this debate on the floor of the House, Mr. Thomas Scott of Pennsylvania had called the attention of Congress to the public land question in two speeches in which he prophesied a great future for the West and described at length its fertility and attractiveness.¹¹ He urged the claims of the actual settlers as against speculators. "There are, at this moment," he said, "a great number of people on the ground, who are willing to acquire by purchase a right to the soil they are seated upon. Alured by its fertility, the agreeableness of the climate, and the prospect of future ease to themselves and families, they would not seek a change. Kentucky, already full, at least there are no more valuable lands to be got there with a clear title, can receive no more emigrants: they therefore turn their wistful eyes upon the lands of the Union. They hope to get them of Congress upon as good terms as they can procure them of the speculators. What will these men think, who have placed themselves on a vacant spot, anxiously waiting its disposition by the Government, to find their pre-emption right engrossed by the purchaser of a million of acres?"¹²

Mr. Scott sympathized with the western emigrants to

¹⁰ *Annals of Congress*, 2nd Session, 1st Congress, Vol. I, p. 1106.

¹¹ *Annals of Congress*, 1st Session, 1st Congress, Vol. I, pp. 427-430, 646-654. May 28, 1789, July 13, 1789.

¹² *Annals of Congress*, 1st Session, 1st Congress, Vol. I, p. 428.

such an extent that he even threatened a hostile attitude toward the United States on their part, declaring that "There are seven thousand souls waiting for lands; they will have them here or elsewhere; but there is some danger, if they cannot be accommodated within the boundaries of the United States, they will do one of two things: either move into the Spanish territory, where they are not altogether uninvited, and become an accession of power to a foreign nation forming to us a dangerous frontier; or they will take this course, move on the United States' territory, and take possession without your leave. . . . But nevertheless they are willing to pay an equitable price for those lands; and, if they may be indulged with a pre-emption to the purchase, no men will be better friends to the Government."¹³ Mr. Scott earnestly hoped that the government would not embarrass the growth of the West by preventing none but "million acre purchasers" from acquiring lands in that territory.¹⁴

Mr. James Madison of Virginia considered the manner of disposal of the public domain to actual settlers to be business of great importance and he urged that early action be taken in reference thereto.¹⁵

Mr. Roger Sherman of Connecticut was of the opinion that it would be better to delay the decision of the disposal of the public lands. He disapproved of indiscriminate settling over all of the country according to the wish of the settlers. "I think it would tend to greater advantage, to settle the country gradually, in compact bodies, as the inhabitants can be spared from the other parts of the Union. . . . If men are to take out warrants, and lay them where they please, the settlers will break up the ground, and we

¹³ *Annals of Congress*, 1st Session, 1st Congress, Vol. I, p. 428.

¹⁴ *Annals of Congress*, 1st Session, 1st Congress, Vol. I, p. 432.

¹⁵ *Annals of Congress*, 1st Session, 1st Congress, Vol. I, p. 431.

shall be forced to sell after a while, for less money, because the lands will be picked and nothing but the refuse left; besides, people not knowing where others have located, may take up the same lots, and lay a foundation for eternal lawsuits and discontent.”¹⁶ He advocated settling only by townships.

Mr. Sherman thought that the government should guard against speculation in western lands.¹⁷ It seems to have been the opinion of practically all the Representatives, no matter how different were their views concerning the details of the disposal of these lands, that the man of moderate means who wished to cultivate a small farm in the West should have due consideration as well as “million acre purchasers”. It was the hope of the country at large that the western lands should prove a public fund to extinguish the national war debt, and the immediate sale of large tracts to capitalists seemed financially expedient. That Congress should have considered the convenience and welfare of the individual settlers shows a broad sympathy with the individualistic development of the West.

In spite of this early anti-speculation feeling it was not until 1796 that Congress passed a law providing for the sale of small quantities of land with the privilege of one year’s credit.¹⁸ This law applied only to a district in the Northwest Territory. The debate upon this measure on the floor of the House was even more pronounced in favor of accommodating actual settlers than the previous debates upon this question. Said Robert Rutherford of Virginia in opening the debate: “This tract of country should be disposed of to real settlers, industrious, respectable persons, who are ready to pay a reasonable price for it, and

¹⁶ *Annals of Congress*, 1st Session, 1st Congress, Vol. I, p. 655.

¹⁷ *Annals of Congress*, 1st Session, 1st Congress, Vol. I, p. 655.

¹⁸ *United States Statutes at Large*, Vol. I, p. 464.

not sold to persons who have no other view than engrossing riches.”¹⁹ He estimated that there were 150,000 families waiting to occupy this land.

Mr. Albert Gallatin, however, favored the sale of both small sections to farmers and larger tracts to moneyed men, in such a way as to redeem and extinguish the Federal debt within as short a period as possible;²⁰ and Mr. John Nicholas of New York thought that only capitalists would wish to buy land.²¹ But Mr. William Findley opposed the sale of land in large quantities. He favored the encouragement of small farmers. He wished “every man to have an opportunity of purchasing fifty or one hundred acres”, and urged that the land be brought within the reach of the people.²² Several members were filled with the fear of land monopolization. Mr. Andrew Moore of Virginia desired that “every citizen who had a wish to purchase a part of this land should be accommodated.”²³ Mr. John Williams of New York had especially in mind “the lower classes of the people”.²⁴ Mr. Jeremiah Crabb of Maryland proclaimed that every man has a right in the public lands, still he approved of both the wholesale and retail plans of sale.²⁵

Mr. John E. Van Allen of New York argued for the sale of only small lots saying, that the offering on the market of large tracts was “replete with such evident advantages to that part of the wealthy class of citizens whom they had been in the habit of styling speculators”, and he hoped

¹⁹ *Annals of Congress*, 1st Session, 4th Congress, p. 329. February 15, 1796.

²⁰ *Annals of Congress*, 1st Session, 4th Congress, pp. 408-409. March 3, 1796.

²¹ *Annals of Congress*, 1st Session, 4th Congress, pp. 336-337. February 16, 1796.

²² *Annals of Congress*, 1st Session, 4th Congress, p. 339. February 17, 1796.

²³ *Annals of Congress*, 1st Session, 4th Congress, p. 341.

²⁴ *Annals of Congress*, 1st Session, 4th Congress, p. 346. February 18, 1796.

²⁵ *Annals of Congress*, 1st Session, 4th Congress, p. 348.

"that, if ever any discrimination between different classes of citizens should be thought proper, the poorer and middle class would not be considered the least deserving the care and attention of [the] Government."²⁶ Mr. Findley was of the opinion that the emigrants to the West were all of the poorer classes.²⁷

Mr. Gallatin in one of several speeches said: "If the cause of the happiness of this country was examined into . . . it would be found to arise as much from the great plenty of land in proportion to the inhabitants, which their citizens enjoyed, as from the wisdom of their political institutions. It is, in fact . . . because the poor man has been able always to obtain his portion of land. And it was perfectly immaterial to them whether a man was happy in New Jersey or upon the Western Territory, it was their duty to do all in their power to promote the general happiness of the whole country."²⁸ Mr. Madison said he was not surprised to hear different opinions on this question according to the different States from which the members came. He was not in favor of placing on the market a greater quantity of land than could be settled.²⁹

On April 6, 1796, a bill passed the House, providing for the sale of land in tracts of different sizes, the smallest of which was 160 acres, at two dollars per acre.³⁰ However, in the Senate this House bill was considerably amended, and later it was further altered in the House.³¹

²⁶ *Annals of Congress*, 1st Session, 4th Congress, pp. 865, 866. April 5, 1796.

²⁷ *Annals of Congress*, 1st Session, 4th Congress, p. 343. February 17, 1796.

²⁸ *Annals of Congress*, 1st Session, 4th Congress, p. 411. March 3, 1796. Compare Henry Adams's *Life of Albert Gallatin*, p. 167.

²⁹ *Annals of Congress*, 1st Session, 4th Congress, p. 414.

³⁰ *Journal of the House of Representatives* (1826), Vol. II, p. 497.

³¹ *Journal of the Senate* (1820), Vol. II, pp. 248, 251; *Journal of the House of Representatives* (1826), Vol. II, p. 550; *Annals of Congress*, 1st Session, 4th Congress, p. 1340.

Notwithstanding the many late expressions in favor of the poorer class of western pioneers the bill as finally passed made no provision for the sale of smaller lots than 640 acres of land, while it provided also for the sale of quarter townships in single tracts. An amendment to reinsert the clause authorizing the sale of as small lots as 160 acres was voted down by a vote of thirty-one for it and thirty-three against it. Although this act did not authorize the sale of the smallest divisions desired, yet it may be considered for the time very favorable to the actual settlers of the West.

In the year 1800 Mr. William Henry Harrison, Delegate from the Northwest Territory, reported from a select committee on public lands a bill amendatory to the act of 1796.³² This bill made provision for the establishment of four land offices in the Northwest, authorized the sale of as small tracts of land as a half section, and granted credit to purchasers by permitting the purchase price to be paid in four yearly installments. Albert Gallatin and Robert Goodloe Harper of South Carolina were warm supporters of this bill — indeed, Gallatin was probably its author.³³ It was deemed a measure that would prevent speculators receiving the advantages resulting from offering the lands for sale in large quantities, and that it would encourage settlement by families of poor or moderate means because of offering smaller tracts and extension of payment. The bill passed both houses and became a law on May 10, 1800.³⁴ Unfortunately the debates upon this public measure which introduced the credit system of land sales were never fully reported. Mr. Roger Griswold of Connecticut led the un-

³² *Annals of Congress*, 1st Session, 6th Congress, p. 625. March 14, 1800.

³³ *Annals of Congress*, 1st Session, 6th Congress, p. 651. March 31, 1800.

³⁴ *Annals of Congress*, 1st Session, 6th Congress, pp. 652, 701, 165, 174; *United States Statutes at Large*, Vol. II, p. 73.

successful opposition to the bill, claiming that it would produce great expense in surveying and would encourage intruders upon the public domain.³⁵

There was strong sentiment in the East opposed to the rage for western migration. In 1787 George Mason of Virginia wrote: "If it were possible by just means to prevent emigration to the western country, it might be good policy". And Mr. Madison declared in the House of Representatives some years later that he was not in favor of encouraging migration to the West, nor would he on the other hand throw obstacles in its way.³⁶ Men of property

³⁵ *Annals of Congress*, 1st Session, 5th Congress, p. 651. March 31, 1800.

The chief source of debates in Congress from 1789 to 1824 is the *Annals of Congress*. The first two volumes of this publication were compiled by Joseph Gales and published by the firm of Gales and Seaton in 1834 — forty-five years after the organization of the First Congress. The remaining forty volumes were published between 1849 and 1856. During the period covered by the *Annals* no official clerks were employed by Congress to report debates, although newspaper representatives were admitted to its legislative sittings. The debates in the House, printed in the *Annals* from 1789 to March 8, 1790, are but reprints from the reports of Mr. Thomas Lloyd's *Congressional Register* (New York, 1790, 4 volumes). In compiling the debates from March, 1790, to May, 1800, Mr. Joseph Gales obtained his account from the reports in the newspapers of Philadelphia and New York, and from a collection of debates during March and April of 1796, published by Bache (Philadelphia, 1796). For the debates after May, 1800, Mr. Gales depended almost exclusively upon the reports from the *National Intelligencer* — established in October, 1800. This newspaper acquired an enviable reputation at the time for the accuracy and fairness of its reports, although these were by no means complete, being largely but abridgments of debates.

The accounts of Senate discussions during the early days of the government are meagre in the extreme. The *Annals* contain practically only copies of the proceedings as recorded in the *Journal of the Senate*. The reason for this unfortunate loss of the substance of the Senate debates, is that until the second session of the third Congress, the Senate permitted no visitors to attend either its legislative or its executive sittings. At the second session of the third Congress, the Senate permitted the galleries to remain open during such time as the Senate should be sitting in its legislative capacity, unless otherwise ordered. However, the Senate debates for the first two decades were never as fully reported as those in the lower house.

³⁶ *Annals of Congress*, 1st Session, 4th Congress, p. 415. March 3, 1796.

Madison, however, expressed a different view in an article depicting the bless-

in the old settled States looked with great apprehension at the withdrawal of labor from their localities.

Senator William Maclay of Pennsylvania wrote in his *Journal* during the second session of the First Congress these words:—"March 25th.—The Speaker told me last night that Mr. Clymer wished to see us this morning at his lodgings. As I always embrace the smallest hint to meet the [Pennsylvania] delegation, I was early ready. . . Found Scott . . . at the door. I asked what had happened. Scott, with a great laugh, said Clymer had read them a letter to the Speaker, and was dreadfully afraid all the people would fly to the Western world. I replied, 'Scott, I told you some time ago that this would happen if you taxed the Atlantic States too high, and you gave me a great Monongahela laugh in answer.' 'Aye', says he, 'and I will give you many more.' I went upstairs, and had a letter of Clymer's composing put into my hands; the amount of it was that every man was worth two hundred pounds sterling; that every man that went to the Western country was lost to the United States, and therefore every tract of land we sold to a settler would be attended with the loss of a man or his equivalent, two hundred pounds sterling, deducting the trifle the United States would get for the land.

"All this fine reason falls dead to the ground should it appear that the man is not lost to the United States. . . . Clymer came in, and said on the principle of that letter he would vote against paying any of the public debt with back lands." ³⁷

And yet this same Senator Maclay, who highly approved
ings of emigration which appeared in Freneau's *National Gazette*, Vol. I, November 21, 1791.

³⁷ *Journal of William Maclay* (1890), pp. 223, 224. Those referred to in this diary of Maclay are: Frederick Augustus Muhlenberg of Pennsylvania, Speaker of the House; George Clymer and Thomas Scott, Representatives from Pennsylvania.

of the westward expansion, complained to Robert Morris, his colleague in the Senate, when he proposed a joint speculation in vacant Pennsylvania lands, saying: "Such is the rage of migrations that lands with all the advantages of soil and climate, in the bosom of society are neglected for fancied elysiums in Yazoo or Kentucky."³⁸ Representative Scott assured New England members that in no event would the depopulation of the Atlantic States take place.³⁹ "Whilst the desire of emigration continues," he said, "and lands are to be procured, settlers will find their way into that territory." And what if it did result in depopulating these States? Westward migration was inevitable.

After the first decade of national life this fear of depopulation found a different outlet of expression (on the part of some eastern members) in denouncing the expenditure of Federal funds on internal improvements in western States. The drain of western migration upon the Atlantic States was too largely hidden by great increases in their own population and wealth to become a prolonged or serious question.

It was on March 3, 1791, that the first of a long series of acts confirming lands in the possession of certain settlers — mostly French — at Vincennes and in the Illinois country⁴⁰ was passed, thus fulfilling a moral obligation, which, however, was never imposed by any treaty.⁴¹ Similar grants were made following the purchases of Louisiana and Florida.⁴² The great avalanche of private land claims and petitions following each of these accessions

³⁸ *Journal of William Maclay* (1890), pp. 218, 219.

³⁹ *Annals of Congress*, 1st Session, p. 648. July 13, 1789.

⁴⁰ *United States Statutes at Large*, Vol. I, p. 221.

⁴¹ See *United States Statutes at Large: European Treaties*, Vol. VIII, p. 84.

⁴² March 2, 1805.—*United States Statutes at Large*, Vol. II, p. 324. May 8, 1822.—*United States Statutes at Large*, Vol. III, p. 709.

of territory was accorded a generous treatment by Congress, although as a rule the claims were adjusted by commissioners authorized by Congress, or in the courts. There were some private claims which were, however, pressed persistently upon the attention of Congress. Such were the famous Yazoo claims.

It seems that the legislature of the State of Georgia had in 1795 granted some thirty-five million acres of land for \$500,000, a price of less than one and one-half cents an acre, to four companies.⁴³ The grant comprised a large part of the present States of Alabama and Mississippi. Georgia's claim to this region, however, was insufficient, since it conflicted with claims both by Spain and by the United States.⁴⁴ The four land companies sold stock and tracts of their new possessions extensively, especially in New England. Moreover, in 1796 the new State legislature rescinded the action of its predecessor on the grounds of corrupt influence in obtaining the passage of the act making the grant.⁴⁵ Many Federal as well as State officials became involved in the matter, and the complication which followed was carried to Congress.

On April 24, 1802, Georgia ceded her claims to this region to the United States.⁴⁶ Then followed in Congress a series of attempts, backed by Madison and northern politicians, to effect a compromise by which all innocent purchasers from the original companies should be protected in their claims. John Randolph of Virginia led the fight which bitterly opposed this measure and delayed action for a long period of time. In March, 1804, he made vehement speeches sanctioning the Georgia rescinding act of 1796. He called

⁴³ *American State Papers, Public Lands*, Vol. I, pp. 152-155.

⁴⁴ *American State Papers, Public Lands*, Vol. I, p. 132.

⁴⁵ *American State Papers, Public Lands*, Vol. I, pp. 156-158.

⁴⁶ *American State Papers, Public Lands*, Vol. I, p. 125.

the granting act a desperate and wicked measure, and termed the four grantee companies a "band of land adventurers" and a "ravenous pack of speculators".⁴⁷ After a spirited struggle in the House, which was almost equally divided, Randolph, by carrying a vote of postponement, succeeded in defeating action on the proposed bill.⁴⁸

In the next session of Congress the Yazoo claims were again presented and opposition became frantic. Randolph loudly denounced "the stupendous villany" of 1795 and the several land companies.⁴⁹ His bitterness was directed especially against the New England Mississippi Land Company that was organized by eastern purchasers of these ill fated land grants. "Millions of acres", he said, "are easily digested by such stomachs. Goaded by avarice, they buy only to sell, and sell only to buy. The retail trade of fraud and imposture yields too small and slow a profit to gratify their cupidity. They buy and sell corruption in the gross, and a few millions, more or less, is hardly felt in the account."⁵⁰

Many members like Mr. Joseph Clay of Pennsylvania doubted the policy of compromising with speculators who claimed to be innocent purchasers.⁵¹ Mr. John G. Jackson of Virginia, however, contended in a speech, probably written by James Madison, that a grant by a State legislature could not be rescinded and that the present claimants who purchased without knowledge of the corruption of the legislature should be given liberal consideration.⁵² After

⁴⁷ *Annals of Congress*, 1st Session, 8th Congress, p. 1141.

⁴⁸ *Annals of Congress*, 1st Session, 8th Congress, p. 1170. March 12, 1804.

⁴⁹ *Annals of Congress*, 2nd Session, 8th Congress, p. 1026. January 29, 1805.

⁵⁰ *Annals of Congress*, 2nd Session, 8th Congress, p. 1031.

⁵¹ *Annals of Congress*, 2nd Session, 8th Congress, p. 1126. February 1, 1805.

⁵² *Annals of Congress*, 2nd Session, 8th Congress, pp. 1064-1080. January 31, 1805.

another sharp debate, in which acridity of expression was by no means confined to John Randolph, the bill was again postponed, but by a bare majority for the New England members were almost solidly for it.⁵³

The Yazoo claims remained an open and irritating question for nearly ten years. The claims came before the Supreme Court in 1809; and in the year following Chief Justice Marshall delivered an opinion favorable to the claimants, in which he held that a State legislature is not vested with the power to annul the rights which it has granted to an individual by a law in its nature a contract.⁵⁴ The settlers on the lands in the Mississippi Territory, meanwhile, constantly petitioned Congress for an equitable settlement. The defeat of John Randolph as a leader in the House removed a great stumbling-block to the measure.

In February, 1813, Mr. John A. Harper of New Hampshire delivered a speech on the justice due to the innocent and suffering settlers who had purchased land from the speculators,⁵⁵ but on the motion of Henry Clay the subject was laid over for the next session.⁵⁶ In the next regular session of Congress Mr. Lattimore, Delegate from the Mississippi Territory, showed that these unfortunate Yazoo complexities had retarded the settlement of his Territory.⁵⁷ Congressional opinion appears to have been at this time very generous. The Senate passed a bill on February 28, 1814, and the House on March 26, providing for the indemnification of the Yazoo claimants.⁵⁸

⁵³ *Journal of the House of Representatives* (1826), Vol. V, p. 117.

⁵⁴ *Fletcher vs. Peck*, 6 Cranch, 87.

⁵⁵ *Annals of Congress*, 2nd Session, 12th Congress, p. 1066. February 15, 1813.

⁵⁶ *Annals of Congress*, 2nd Session, 12th Congress, p. 1073.

⁵⁷ *Annals of Congress*, 2nd Session, 13th Congress, p. 1902. March 24, 1814.

⁵⁸ *Annals of Congress*, 1st Session, 13th Congress, pp. 643, 1925; *United States Statutes at Large*, Vol. III, p. 116.

Before this date Congress had begun to drift into a policy of dealing very liberally with the purchasers of small tracts of public lands. When the law of May 18, 1796, was under discussion for amendment in the House, Albert Gallatin, supported by other Representatives of the Middle States, attempted to insert in the bill a provision for the payment of the purchase price in four yearly installments.⁵⁹ This proposition was advanced more to encourage moneyed men to invest than as a convenience to poor settlers. The insertion, nevertheless, was strongly opposed. It was said that "it was probable that nothing more would be received of the purchasers than the first deposit, if so long a credit was given; that it would create a host of enemies to the Government; that when the time of payment came, instead of money, they should have petitions sent in for a prolonging of the time of payment; they would, therefore, rather prefer a lowering of the price than an extension of credit."⁶⁰

The question came up again in 1800, and a bill, becoming a law on May 10, 1800, contained the provision already noted — namely, four years credit on the installment plan.⁶¹ This law also provided that the purchase price might be paid either in specie or in evidences of the public debt. In 1806 Congress passed an act declining to receive evidences of public debt in payment for public land after April 30, 1806, saving all rights under previous acts.⁶² This then required all payments to be in specie.

During the years immediately following the passage of this act, although not directly resulting from it, there came a flood of memorials, private petitions, and Territorial legislative resolutions praying Congress for relief. The credit

⁵⁹ *Annals of Congress*, 2nd Session, 4th Congress, p. 2209. February 20, 1797.

⁶⁰ *Annals of Congress*, 2nd Session, 4th Congress, pp. 2209, 2210.

⁶¹ See pp. 15, 16, above.

⁶² *United States Statutes at Large*, Vol. II, p. 405.

system once inaugurated was hard to check. On March 2, 1809, Congress passed an act which extended for two years the time of payment of purchase money due.⁶³ Such liberality aroused the most extravagant demands, and the presentation of relief bills was a regular occurrence in subsequent sessions.

When in the next session (April, 1810) such a bill from the Senate was ordered for a third reading in the House, Mr. William A. Burwell of Virginia opposed its passage, declaring that the public lands were a "source of revenue to the United States, and the House ought to be extremely careful how they embodied in the Western country, a set of men who would wrest the fee simple from the United States."⁶⁴ There seems to have been a vague fear in the East that nothing but the most grave dangers to the Union could arise from allowing a large number of western settlers to become indebted to the general government. Mr. Burwell gravely predicted that if their debts to the government increased ambitious men would not be wanting to remind them of it, and to devise means of freeing themselves.

Mr. Peter B. Porter of New York called these debtor settlers "a species of enemy" to the government. "And we have already seen", he said, "to what a formidable extent their power and numbers are increasing."⁶⁵ Later he qualified his remarks by adding: "It is far from my intention, sir, to cast any injurious imputations on the character of these settlers."

A Tennessee member thought the laws granting extension of time a great injury even to the people themselves, who would soon demand the forgiving of all debts. "As

⁶³ *United States Statutes at Large*, Vol. II, p. 533.

⁶⁴ *Annals of Congress*, 2nd Session, 11th Congress, p. 1999. April 27, 1810.

⁶⁵ *Annals of Congress*, 2nd Session, 11th Congress, p. 1399. February 8, 1810.

you increase your sales," he said, "you will increase your enemies".⁶⁶

Mr. John G. Jackson of Virginia was strongly in favor of the bill. He argued that the settlers had no market in which to sell their produce and thus obtain money to pay their installments. With reference to these settlers he said: "There is no people in any part of the country more disposed to obey the laws of the Union. They will submit to their lands being sold, though to their utter ruin, because they are not able to pay for the land which they purchased in a state of nature. They will not resist the laws, though thousands should be turned from their property".⁶⁷

Mr. John Smilie appealed to the sympathy of the House: "Could this House, unmoved, witness the distress of families driven from their homes; of families which had travelled through the wilderness, and spent four or five years in changing the state of their plantations from wilderness to cultivation? If they were now to be ousted from their plantations and turned adrift on the world, they would be rendered desperate and, to some measure, useless to society." ⁶⁸

Mr. Richard M. Johnson prayed indulgence for these men who, he said, possessed nothing but enterprise and their little farms for which they had paid to the government their last shilling and had improved by their own labor.⁶⁹

The bill had passed the Senate on March 30, 1810.⁷⁰ On April 27 the House passed it by a vote of sixty-eight to twenty-five.⁷¹ Indulgence once having been granted, there

⁶⁶ *Annals of Congress*, 2nd Session, 11th Congress, p. 2002. April 27, 1810.

⁶⁷ *Annals of Congress*, 2nd Session, 11th Congress, p. 2004.

⁶⁸ *Annals of Congress*, 2nd Session, 11th Congress, p. 2005.

⁶⁹ *Annals of Congress*, 2nd Session, 11th Congress, p. 2001.

⁷⁰ *Journal of the Senate* (1820), Vol. IV, p. 472.

⁷¹ *Journal of the House of Representatives* (1826), Vol. VII, p. 403.

was no end to the persistent demands on Congress, by later purchasers, for similar indulgence, and in response to this clamor there were passed by Congress, in the course of the following fifteen years, no less than sixteen bills for relief.⁷² Said a Kentucky member in the course of debate upon one of these bills: "Will Congress hesitate one moment, at this session, to do what they did at the last?"⁷³

During the period of national prosperity immediately following the War of 1812 the rush of western migration increased to a very great extent and excited in the West a fever of speculation, resulting in extravagant investments. The receipts of the land office rose from \$710,000 in 1812 to \$3,274,000 in 1819.⁷⁴ Settlers bought land, many of them paying all they had on the first installment and expecting the sale of the produce from the land to bring in enough money to meet the future payments. Lands were extensively mortgaged — even uncultivated lands. Specie in the West was very scarce, and to meet the demands of trade and speculation an unwholesomely rapid growth in western banks appeared. The young State of Kentucky with its fifty-nine banks in 1818 had actually fifteen more banks than the wealthy State of New York. Ohio and western Pennsylvania showed the same condition.⁷⁵ Although these banks were notoriously unsafe institutions, their discounted bills of credit furnished the greater part of the currency of the western country.

⁷² *United States Statutes at Large*, Vol. II, pp. 668, 712, 782, 811; Vol. III, pp. 97, 130, 201, 300, 433, 509, 555, 612, 665, 781; and Vol. IV, pp. 24, 60.

⁷³ *Annals of Congress*, 2nd Session, 11th Congress, p. 2001.

⁷⁴ Thomas Donaldson's *The Public Domain*, House Document 47, Part 4, 3rd Session, 46th Congress, p. 17.

⁷⁵ McMaster's *A History of the People of the United States*, Vol. IV, p. 485; Gallatin's *Considerations on the Currency and Banking System of the United States* in *The Writings of Albert Gallatin* (Philadelphia, 1879), Vol. III, pp. 360-362.

Due to lack of markets and suitable transportation thousands of families who had made their first payments on entered land were bitterly disappointed in their expectations to meet the unpaid installments. And being further embarrassed by the financial crisis of 1819, when the western banks collapsed and the currency was greatly reduced, these people were hard pressed. Unable to meet their obligations at the land office, they were obliged according to their contract with the government to forfeit their claims unless relieved by special act of Congress.

As already noted, Congress had gotten into the habit of passing special acts of relief; but at the session of Congress which met in December, 1819, there appeared some opposition to this system of indulgence, notwithstanding the evident distress of the disappointed settlers. On January 27, 1820, the memorial of the legislature of the State of Ohio, praying for the relief of purchasers of public lands, was presented.⁷⁶ A bill granting the desired relief passed both houses without extended debate and became a law on March 30, 1820.⁷⁷ The opposition to this policy of indulgences and, in fact, to the whole credit system was given expression in the debate over a bill reported during the session to reorganize the manner of disposing of the public domain.

Senator John W. Walker admitted that the system of indulgence had so long been in operation "that purchasers might be supposed to have bought under the expectation that it was to be continued", and he said he was informed "that lands were yet unpaid for, which were purchased at the early sales in the State of Ohio, which took place twenty years ago".⁷⁸

Rufus King of New York stated that the debts due to the

⁷⁶ *Annals of Congress*, 1st Session, 16th Congress, p. 275.

⁷⁷ *United States Statutes at Large*, Vol. III, p. 555.

⁷⁸ *Annals of Congress*, 1st Session, 16th Congress, p. 445. February 24, 1820.

United States for lands sold now amounted to twenty-two million dollars; and the evil thereof, he said, constantly increased. He invited the Senate to consider the grave danger to the Union in allowing so large a part of her citizens to become her debtors.⁷⁹

An amendment proposed in the Senate to grant a rebate to purchasers of public lands who forfeited their claims after making one payment was voted down by the decided vote of eight yeas and twenty-nine nays.⁸⁰ Senator Ninian Edwards of Illinois declared himself much in favor of the credit system, and he considered it as promoting the rapid settlement of the West.⁸¹ Senator King urged reducing the price of lands from \$2 per acre to \$1.25, offering to settlers tracts as small as eighty acres, so that the poorest could be accommodated. Having made these concessions he was in favor of abandoning the credit system and of selling in the future only for cash.⁸² A bill embodying these features passed the Senate, thirty-one votes being cast for it and seven against it.⁸³

The Senate's bill, declared Mr. George Robertson of Kentucky on the floor of the House, is "as perfect as the experience of twenty years and the circumstances of the times and the country would enable Congress to make". "A bill", he continued, "had been engrossed this morning, extending the indulgence one year longer; and it was obvious that a similar law must pass at the next session, and for many consecutive years, or the debtors for the public lands must be subjected to great distress, and many of them to ruin."⁸⁴

⁷⁹ *Annals of Congress*, 1st Session, 16th Congress, p. 447.

⁸⁰ *Annals of Congress*, 1st Session, 16th Congress, p. 482. March 8, 1820.

⁸¹ *Annals of Congress*, 1st Session, 16th Congress, p. 482.

⁸² *Annals of Congress*, 1st Session, 16th Congress, pp. 485, 486.

⁸³ *Annals of Congress*, 1st Session, 16th Congress, p. 490. March 9, 1820.

⁸⁴ *Annals of Congress*, 1st Session, 16th Congress, pp. 1867, 1869. April 18, 1820.

He thought it unreasonable to expect that "a man who should be able to pay only the first installment for a tract of land, could transplant himself and family in the Western wilds, open a farm, build his houses, support his family, and be able in four years to save, by the cultivation of the soil, as much as would pay the remaining three-fourths of the consideration. Under the most auspicious circumstances, some of the purchasers must unavoidably become delinquent. But if misfortune or calamity should fall on the public debtor, or the currency should be deranged, or the seasons unpropitious, or the market for agricultural products dull or unprofitable, how could the debt be punctually discharged?"

Robertson finished his earnest speech by declaring that the West should attempt to extricate itself from debt, "confine its expenditures within its actual means, and make its citizens independent cultivators of the soil, and not the tenants of the speculator or the Government". "The cash system . . . would tend to these wholesome results, by distributing the lands in small tracts among the people for their own use, and by frustrating speculation, and preventing monopolies."

Mr. John Sloan assured the House that there was no danger of a dissolution of the Union from allowing the western people to purchase lands on credit. "I trust I know that people too well", he said, "to give in to such an opinion. . . . I have seen one of the most important States in this Union grow up suddenly from the wilderness, under the influence of this [credit] system; yet I cannot but feel myself impressed by the strong prejudice that appears to prevail against it. I am well aware that it is believed that the Western people have enjoyed peculiar favors, and that great speculations have been made at the public expense. But let me assure you, sir, that this is not the case, there is but a small inducement to speculation in public lands; the

Government is too large a landholder for any one to come in competition with it. Sir, it is the industry of the Western people which has led to any degree of prosperity which they may be supposed to enjoy. I regret extremely that the Western people should be considered as wishing to live by the bounty of the General Government.”⁸⁵

Mr. Alney McLean thought that the credit system should be continued. “Gentlemen are not aware”, he said, “of the many difficulties which attend moving to, and settling a new country. The expense of traveling is considerable; and a whole year’s provisions has to be laid in, and generally at a high price; when this is done, the poor man’s funds are exhausted, and he has nothing left to purchase even a half of a quarter section of land.”⁸⁶

When it came to a vote the Senate bill for abolishing the credit system, reducing the price of land, and providing for the sale of conveniently small tracts passed the House by a vote of one hundred and thirty-three to twenty-three.⁸⁷ The opposition to this bill had come mainly from a certain few western members — twelve in number.

During the following summer the financial stringency, precipitated in 1819, continued to oppress the West, and the condition of settlers who had purchased land under the credit system became so distressing that President Monroe, in his message to Congress in November, 1820, called attention to the fact that \$22,996,545 was still due to the Treasury for the sale of public lands, and he submitted the advisability of granting a reasonable extension of payment, remarking that “It is known that the purchases were made when the price of every article had risen to its greatest

⁸⁵ *Annals of Congress*, 1st Session, 16th Congress, pp. 1890, 1892. April 19, 1820.

⁸⁶ *Annals of Congress*, 1st Session, 16th Congress, p. 1894.

⁸⁷ *Annals of Congress*, 1st Session, 16th Congress, p. 1901.

height, and that the installments are becoming due at a period of great depression.”⁸⁸

The usual bill of relief was framed in the Senate.⁸⁹ When it was taken up in committee of the whole House, Senator Jesse B. Thomas of Illinois described at length the frenzy of speculation which seized the West in 1817 and 1818.⁹⁰ Banks located in the wilderness, he explained, with no other purpose than that of furnishing facilities to the purchasers of public lands, had issued such a quantity of paper money that settlers were tempted to contract beyond their means. Prices fell; the banks failed. Now the poverty of these settlers would disable them from prompt payment. His colleague, Senator Ninian Edwards, also pictured the due effects of the land mania upon his constituents in Illinois.⁹¹ But, he argued, the western people are brave and patriotic. Would the government punish for so slight an indiscretion, these brave and patriotic defenders of our frontiers, by refusing to grant them indulgence? These Senators were as frank in stating the cause of the recent distress as was the memorial of the legislature of Kentucky which was communicated to the Senate on January 20, 1820, and read in part as follows:

Whereas many of the citizens of this Commonwealth, allured by the prospect of increasing their wealth, or procuring a more desirable home for themselves or their posterity, which the uninterrupted growth of the Western country presented to activity and enterprise, became purchasers of the public lands of the United States, under a well-founded confidence that the earnings of honest labor, the profits of fair trade, or the sale of their other property, would speedily enable them to fulfil their engagements to the public: Whereas the unexpected depression in the price of labor and of

⁸⁸ Richardson's *Messages and Papers of the Presidents*, Vol. II, p. 78.

⁸⁹ *Annals of Congress*, 2nd Session, 16th Congress, p. 133. December 28, 1820.

⁹⁰ *Annals of Congress*, 2nd Session, 16th Congress, p. 156. January 11, 1821.

⁹¹ *Annals of Congress*, 2nd Session, 16th Congress, p. 161.

property, the stagnation of trade, and the derangement of the local currency in the Western States, rendering it unfit for the payment of dues at the several land offices, have darkened the fairest prospects, deprived the public debtors of their power to fulfil engagements made in good faith, and thrown upon them and their country an accumulated load of debt and distress.⁹²

When the House resolved itself into a committee of the whole for the consideration of the Senate bill for relief, Mr. Robert Allen of Tennessee appeared strongly opposed to it. "If the people learn that debts can be paid with petitions and fair stories," he said, "you will soon have your table crowded. The next application will be from those who have completed their payments."⁹³ Mr. Allen declared that he did "not believe that many of the actual settlers on tracts purchased alone for cultivation are going to forfeit their lands, notwithstanding all we have heard said. They have carefully laid up every dollar that they have been able to lay their hands on since the purchase; the sum lacking they can procure at a trifling sacrifice, which they are content to make. The land forfeited will be by the speculator, whose only dependence was on making sales to meet the purchase money. If he has been disappointed, has he any right to call upon the whole community to bear his loss?"

On the other hand, Mr. Silas Wood of New York thought that the government should be liberal with the westerners. It appeared to him "that it was better to *settle* than to *sell* the public lands."⁹⁴ Mr. Thomas Metcalfe of Kentucky said that he rejoiced to see on the part of Congress "a disposition prevailing to pass an act of general amnesty and relief to those individuals who had been beguiled into error

⁹² *Annals of Congress*, 2nd Session, 16th Congress, p. 212.

⁹³ *Annals of Congress*, 2nd Session, 16th Congress, p. 1187. February 19, 1821.

⁹⁴ *Annals of Congress*, 2nd Session, 16th Congress, p. 1229. February 26, 1821.

by the injudicious and impolitic movements of the Government", and he hoped that it might be done "without detriment to the public interest."⁹⁵

The bill became a law on the second of March, 1821.⁹⁶ It was one of the series of acts passed by Congress evidently with an earnest regard for the welfare of the West — which, nevertheless, spread over the Middle West a disastrous system of land credit.

Before dismissing the congressional land policy for this period, note should be made of the early attitude toward "squatters" upon the public domain. In 1796 a committee of the House, to whom were referred the petitions of sundry persons in the Northwest Territory claiming preëmption rights on the ground of alleged settlement and improvement of public lands, reported that such petitions ought not to be granted "inasmuch as illegal settlements on the lands of the United States ought not to be encouraged".⁹⁷

More drastic action was taken in 1807 when after four sessions of desultory and long interrupted discussion of this question a bill passed the Senate to prevent settlements from being made on lands ceded to the United States, save the claimants under the Treaty of the Purchase of Louisiana.⁹⁸ The bill provided that the President should be authorized to remove such intruders, employing for that purpose if necessary the military force, and that the forfeitures should enure to the benefit of the United States. Provision was made also that actual settlers upon the public domain who had taken possession previously might hold their claims until they were opened for sale, providing they

⁹⁵ *Annals of Congress*, 2nd Session, 16th Congress, p. 1229.

⁹⁶ *United States Statutes at Large*, Vol. III, p. 612.

⁹⁷ *Journal of the House of Representatives* (1826), Vol. II, p. 553; *American State Papers, Public Lands*, Vol. I, p. 68.

⁹⁸ *Annals of Congress*, 2nd Session, 9th Congress, p. 66. February 11, 1807.

received permission to do so from the land office of the district.

In the House, Mr. Josiah Quincy of Massachusetts objected to the bill on constitutional grounds.⁹⁹ Mr. Gideon Olin of Vermont believed no man would charge him with a design to cover certain fraudulent claims; but he trusted the principle contained in this bill would not be sanctioned. "They were not a judicial body; and had not a right to take the ground assumed in the bill."¹⁰⁰ But the trend of opinion was decidedly for some action. Said Mr. Andrew Gregg of Pennsylvania: "It must be known to every one that almost innumerable persons had settled down on the public lands without meaning to pay for them."¹⁰¹ And Mr. David R. Williams, referring to Mr. Quincy, said that "The gentleman from Massachusetts had observed there were not many intruders on the public lands, but surely he could not have read the papers even of his capital, or he must have recollected a proposition made in them to raise and march ten thousand men to take possession of the public lands. Would he in the face of such a fact say there was no danger?"¹⁰² Mr. John W. Eppes of Virginia declared: "I consider this House as much bound to protect the public land as the public money, and we shall not deserve the public confidence if we do not guard the one as effectually as the other."¹⁰³ John Randolph deprecated allowing settlers to bully the government out of its land.¹⁰⁴

The bill was passed on March 3, 1807, and remained with full effect upon the statute books of the United States

⁹⁹ *Annals of Congress*, 2nd Session, 9th Congress, p. 664. March 2, 1807.

¹⁰⁰ *Annals of Congress*, 2nd Session, 9th Congress, p. 665.

¹⁰¹ *Annals of Congress*, 2nd Session, 9th Congress, p. 665.

¹⁰² *Annals of Congress*, 2nd Session, 9th Congress, p. 666.

¹⁰³ *Annals of Congress*, 2nd Session, 9th Congress, p. 679.

¹⁰⁴ *Annals of Congress*, 2nd Session, 9th Congress, p. 677.

until the passage of the first general preëemption act of 1841, having, indeed, been revived by Congress in 1833 with special reference to the Iowa country west of the Mississippi.¹⁰⁵

II

TERRITORIAL GOVERNMENT IN THE WEST

The Ordinance for the Government of the Territory northwest of the river Ohio was an inheritance from the old Confederation which so highly met the approval of Congress that in the first session under the Constitution it was reënacted as Federal law,¹⁰⁶ and in the second session it was made the organic act of the Southwest Territory.¹⁰⁷ The view of Congress in respect to the western pioneers as reflected in the Ordinance may be expressed in a single sentence: they were colonists to be protected and governed by the general government.

During the first session of Congress in the spring of 1789 there seems to have been some opposition to the general government asserting jurisdiction over any part of the western country. George Clymer, a Representative from Pennsylvania, consistently opposed measures dealing with the government or the development of the West.¹⁰⁸ The debates upon these questions were never fully reported,¹⁰⁹ but such opposition can not have been serious nor long maintained. Indeed, it pertained chiefly to the days of the

¹⁰⁵ *United States Statutes at Large*, Vol. II, p. 445.

January 9, 1811, the Secretary of the Treasury reported to the House of Representatives that settlers on the public domain previous to the passage of the act had generally complied with its requirements by applying to the immediate land offices for permission to retain possession of their claims.—*American State Papers, Public Lands*, Vol. II, p. 209.

¹⁰⁶ *United States Statutes at Large*, Vol. I, p. 50.

¹⁰⁷ *United States Statutes at Large*, Vol. I, p. 123.

¹⁰⁸ *Journal of William Maclay* (1890), p. 223.

¹⁰⁹ Compare p. 16, note 35, above.

Confederation, before active threats of secession in the Kentucky country dispelled the indifference in the northern States, and when Gardoqui's proposal that the Mississippi be abandoned for twenty-five years by the United States in recompense for a commercial treaty with Spain came near acceptance.¹¹⁰

Under the act of February 4, 1791, Kentucky was admitted into the Union.¹¹¹ In 1795 and 1796 the inhabitants of the Southwest Territory, under the leadership of Governor William Blount, took a census, formed a State government, adopted a Constitution, and applied for admission into the Union.¹¹² To the granting of this petition considerable opposition appeared in the House from the Federalist party — especially from its northern members, who claimed that the people of the Territory were not authorized to erect a State government without instructions from Congress. It was charged that the census (showing a population over sixty thousand) had been irregularly if not fraudulently taken. To these members the independent action of the frontiersmen was somewhat irritating and they considered it entirely extra-legal.

The Speaker of the House (Jonathan Dayton of New Jersey) declared that he would never give his "consent to any proposition which expressly or even impliedly admitted that the people inhabiting either of the Territories of the United States could, at their own mere will and pleasure, and without the declared consent of Congress, erect themselves into a separate and independent State." He was by no means "desirous of opposing the wishes of this valuable and enterprising people who inhabit the Southwestern Ter-

¹¹⁰ *Secret Journals of the Acts and Proceedings of Congress* (1821), Vol. IV, p. 297.

¹¹¹ *United States Statutes at Large*, Vol. I, p. 189.

¹¹² *Annals of Congress*, 1st Session, 4th Congress, p. 892. April 8, 1796.

ritory, nor of unnecessarily impeding the efforts they were making to throw off the Territorial jurisdiction, and establish a system of Government for themselves". But being aware that the steps now about to be taken would be regarded and pursued hereafter as a precedent, he conceived it important that they should, in this first instance of the sort that had presented itself, proceed circumspectly.¹¹³

Mr. William Smith of South Carolina thought that the census returns and the adopted constitution — in fact all of the proceedings in the Territory — showed marks of haste and inaccuracy. He insinuated that the census was an "enumeration not only of all transient persons and strangers, but also of the inhabitants and travelers, several times over".¹¹⁴

Mr. Madison thought that there was no just ground for supposing the census had not been fairly taken; and even if there were not sixty thousand, if the inhabitants requested admission and Congress pleased to admit them before they had their full complement, the error could not be of so serious a nature. "The inhabitants of that district of country", continued Mr. Madison, "were at present in a degraded situation; they were deprived of a right essential to freemen — the right of being represented in Congress. Laws were made without their consent, or by their consent in part only. An exterior power had authority over their laws; an exterior authority appointed their Executive".¹¹⁵

In an able speech Mr. Nicholas of New York contended

¹¹³ *Annals of Congress*, 1st Session, 4th Congress, p. 1314. May 6, 1796.

¹¹⁴ *Annals of Congress*, 1st Session, 4th Congress, p. 1303.

¹¹⁵ *Annals of Congress*, 1st Session, 4th Congress, pp. 1308, 1309. It is well to compare Jefferson's opinion concerning Territorial government with that of Madison. On January 23, 1800, Jefferson wrote to Harry Innes: "The Mississippi territory has petitioned to be placed at once in what is called the second stage of government. Surely, such a government as the first form prescribed for the territories is a despotic oligarchy without one rational object." — Ford's *The Writings of Thomas Jefferson*, Vol. VII, p. 411.

that the people were entirely within their rights under the old Ordinance in proceeding to take a census and form a State government. He said: "The ordinance does not say who shall ascertain the fact of there being sixty thousand free inhabitants, but declares that, when that was the case, they shall be entitled to form a Government for themselves, and be admitted into the Union."¹¹⁶

When it came to a vote the bill recognizing the Territory as a State passed the House by 48 to 30.¹¹⁷

Thus Tennessee was raised from the "depraved condition" of a Territory to the dignity of a State — the second to be formed in the West. Unfortunately one of the first of the two Senators which the new State elected was William Blount, who in the first session of his term was impeached for high crimes and misdemeanors,¹¹⁸ expelled from the Senate in 1797,¹¹⁹ and tried before the Senate in December, 1798.¹²⁰ The articles of impeachment charged him with fostering a conspiracy to lead a hostile expedition from the western country against the Spanish possessions of Louisiana and Florida.¹²¹ Although the people of Tennessee gave Blount a royal welcome on his return home after expulsion by the Senate, yet his conduct does not seem to have caused even the Federalist prosecutors of Blount to cast any doubt upon the fidelity or the loyalty of the western people.¹²²

¹¹⁶ *Annals of Congress*, 1st Session, 4th Congress, p. 1311.

¹¹⁷ *Annals of Congress*, 1st Session, 4th Congress, p. 1473. May 28, 1796. The Senate had already passed this bill, May 26, 1796. See p. 109.

¹¹⁸ *Annals of Congress*, 1st Session, 5th Congress, p. 459. July 7, 1797.

¹¹⁹ *Annals of Congress*, 1st Session, 5th Congress, p. 44. July 8, 1797.

¹²⁰ *Annals of Congress*, 3rd Session, 5th Congress, pp. 2245-2416. December 17, 1798, to January 14, 1799.

¹²¹ *Annals of Congress*, 1st Session, 5th Congress, p. 499.

¹²² Jefferson implies that even the anti-Republicans were somewhat lukewarm in their impeachment of Blount.—Ford's *The Writings of Thomas Jefferson*, Vol. VII, p. 190.

During this session, moreover, it was gravely asserted by some member that the western people little knew or understood the Constitution of the United States.¹²³ This assertion was made in the midst of the debate on the repeal of the Alien and Sedition Laws, and shortly after the adoption of the Kentucky Resolutions by the legislature of that State. Practically the only mention in Congress of these rather seditious resolutions was during this discussion opened by Mr. Robert Goodloe Harper, a Democrat from South Carolina, who in the House moved that the Alien and Sedition Laws be printed and distributed throughout the country because, as he went on to say, such "inflammatory resolutions" as these Kentucky Resolutions and "tumultuous assemblages of the people" were due to gross misrepresentations by politicians. He claimed that the people did not know what the laws were, and that the discontent which existed would be removed by their publication and general distribution.¹²⁴

Mr. William C. C. Claiborne of Tennessee thought that the expediency of the Alien and Sedition Laws had been a secondary consideration with the Kentucky people. Their primary objection was that these laws were violations of the Constitution of the United States. If the people have been misled on this point, said Mr. Claiborne, it is because of their ignorance of the Constitution; and so he supported an amendment to print and distribute copies of the Constitution.¹²⁵ Mr. George Thatcher, a bitter Massachusetts Federalist, agreed "with the gentleman who had just sat down, that the people in the Western country were greatly misinformed", yet he did not believe it was "either with

¹²³ *Annals of Congress*, 3rd Session, 5th Congress, p. 2449. December 14, 1798.

¹²⁴ *Annals of Congress*, 3rd Session, 5th Congress, p. 2430.

¹²⁵ *Annals of Congress*, 3rd Session, 5th Congress, p. 2450.

respect to the Constitution or the laws, but on moral subjects.”¹²⁶

The Speaker called Mr. Thatcher to order for his remarks; but Mr. Thatcher contended that he was about to state facts from which he meant to draw an argument against the publication of the Constitution. “If any conclusion could be drawn from the speeches of their Governors, and Legislators, and public meetings, it is evident they are misinformed, and in a state of ignorance, not of the Constitution or of the laws in question, as, when they quote either, they quote them correctly. These speeches and resolutions have appeared in newspapers. . . . It was not political information which these people were in want of, but moral information, correct habits, and regular fixed characters.” Mr. Nicholas interrupting inquired “whether the gentleman was in order.” The Speaker replied that “very many of his remarks were not in order.” Whereupon Mr. Thatcher, after blurting out some further observations “on the people’s want of moral information”, resumed his seat.

Mr. Gallatin objected to speaking of the assemblies of the people as “mobs”, and maintained that the State legislature of Kentucky was respectable.¹²⁷ Little more than this was said in respect to the Kentucky Resolutions.

The open rebellion in the four western counties of Pennsylvania during the summer and fall of 1794 had been more serious than the Blount episode, and called forth stern disapproval from Congress. Although the insurgents in this “Whiskey Rebellion” were citizens of the State of Pennsylvania, yet they were pioneers inhabiting the extreme western part — an undeveloped and sparsely settled region so exposed to the attack of the Indians that in 1792 the inhabi-

¹²⁶ *Annals of Congress*, 3rd Session, 5th Congress, p. 2450.

¹²⁷ *Annals of Congress*, 3rd Session, 5th Congress, p. 2452.

tants appealed to the Governor of the State for protection from their barbarities and depredations.¹²⁸ When Congress assembled in November, some time after President Washington's vigilant suppression of the insurgent uprising, the President's address to the Senate and the House contained an account of the affair.¹²⁹ The addresses of the two houses in reply were decisive in their denunciation of the rebellion, the Senate referring to "our anxiety arising from the licentious and open resistance to the laws in the western counties of Pennsylvania",¹³⁰ and the House in its address regretted that "so flagrant a violation" had been committed on public order. "And we learn", read the address of the House, "with the greatest concern, that any misrepresentations whatever, of the Government and its proceedings, either by individuals or combinations of men, should have been made, and so far credited as to foment the flagrant outrage which has been committed on the laws."¹³¹ That the House considered other persons outside of the four western counties as implicated in the uprising is shown by the rejection of a motion made by William B. Giles of Virginia proposing an amendment adding "in the four Western counties of Pennsylvania" after the words "combinations of men".¹³² A member suggested that Mr. Giles should have added "and a county in Virginia."

Great streams of migration were passing these western counties of Pennsylvania for Kentucky and the new settlements on the Ohio, Scioto, and Muskingum rivers. The in-

¹²⁸ *American State Papers, Indian Affairs*, Vol. I, p. 216.

¹²⁹ Richardson's *Messages and Papers of the Presidents*, Vol. I, p. 162. November 19, 1794.

¹³⁰ *Journal of the Senate* (1820), Vol. II, p. 126.

¹³¹ *Journal of the House of Representatives* (1826), Vol. II, p. 244.

¹³² *Annals of Congress*, 2nd Session, 3rd Congress, p. 914. November 25, 1794.

creased and scattered population north of the river Ohio soon proved that the area of the Northwest Territory was too large for one local government. And so in March, 1800, Mr. William Craik of Maryland, from a special committee in the House, reported a bill to divide this Territory into two distinct and separate governments.¹³³ The committee reported that the Territory of the Northwest measured from southeast to northwest fifteen hundred miles, and "the actual distance of travelling from the places of holding courts the most remote from each other is thirteen hundred miles, and in a country so sparsely peopled, and so little reclaimed from its native wildness, this distance alone seems to present barriers almost insuperable against the exercise of the functions of Government." The report went on to say that "in the three western counties there has been but one court having cognizance of crimes in five years; and the immunity which offenders experience attracts, as to an asylum, the most vile and abandoned criminals, and at the same time deters useful and virtuous persons from making settlements in such society."¹³⁴

The committee recommended that the Territory of the Northwest be divided into two distinct and separate governments, by a line beginning at the mouth of the Great Miami River, and running through a north course, until it intersects the boundary line between the United States and Canada. This division would leave an eastern Territory with a population almost large enough to permit it to be formed into a new State. It was a Republican measure. The strong anti-Federal partisanship of Kentucky and Tennessee had long before indicated the political color of the West, so that a new State in the West was a promising prospect for the Republicans.

¹³³ *Annals of Congress*, 1st Session, 6th Congress, p. 635. March 20, 1800.

¹³⁴ *American State Papers, Miscellaneous*, Vol. I, p. 206.

General Arthur St. Clair, Governor of the Northwest Territory, was, however, a Federalist. Being an accomplished gentleman of strong character, and as aristocratic as Hamilton, he viewed the westerners in a manner perhaps too paternal. To his party friends in the Administration and in Congress, he wrote urging a three-fold division of the Territory — an eastern division with the capital at Marietta, a middle division with Cincinnati as capital, and a western division as the Territory of Indiana. He urged that this plan would delay Statehood. The people, he said, in a confidential letter to Senator James Ross, were not ready for this political promotion; they had no fixed principles of government; they were too ignorant to frame a suitable Constitution; many of them had left the East to escape debts; in some counties “almost all of them are democrats”, and if they became citizens of a State, they would prove to be as troublesome and seditious as the people of Kentucky.¹³⁵

Doubtless St. Clair's opinion of the Ohio people was not entertained by the opposite party. Indeed, the Democrats in the Territory ardently desired Statehood, claiming that much of the emigration which went to Kentucky would be directed to Ohio, should it be admitted in the Union; and to advance the interests of their faction before Congress they sent to Philadelphia one Thomas Worthington, a personal friend of Jefferson. A bill conforming to the desires of the Ohio Democrats was passed by the House, which adopted the Committee's report as to the boundary of the Territories, continued the government of the Old Northwest Territory in the eastern part, and established the Territory of Indiana in the west.¹³⁶ The Sen-

¹³⁵ William Henry Smith's *The St. Clair Papers* (Cincinnati, 1882), Vol. II, pp. 480-484. Governor St. Clair to James Ross. December, 1799.

¹³⁶ *Annals of Congress*, 1st Session, 6th Congress, p. 649. March 31, 1800.

ate was still more favorable. It amended the House bill by adopting a boundary slightly further west.¹³⁷ Congress, however, would not concede to one demand of the Ohio Democrats, namely, that a vacancy be declared in all the offices of the Old Northwest Territory. Thus St. Clair continued in the Governor's seat in the division of the east,¹³⁸ which retained the name of the Northwest Territory.

The Democrats of the Northwest Territory immediately began to advocate Statehood; but the Federalists determined to thwart this movement, and in December, 1801, put through the Territorial legislature an act declaring the consent of the legislature to the formation of a State with the western boundary only as far west as the Scioto River.¹³⁹ As the census returns, which were published in 1802, showed a population of but 45,028 for the whole Territory, such a limitation in area would long delay admission.¹⁴⁰ The Democrats denounced the plan, held meetings, presented numerous petitions and memorials to Congress, and sent east again as special agent, Thomas Worthington, the friend of Jefferson. Although the Territory contained only forty-five thousand inhabitants, yet this appeared no bar to Congress's granting consent for admission, which the friends of Statehood hoped to obtain.

In January, 1802, the Delegate from the Northwest Territory presented to Congress the act of the Territorial legislature proposing to limit the area of the eastern State and

¹³⁷ *Annals of Congress*, 1st Session, 6th Congress, p. 164. April 21, 1800. See also *United States Statutes at Large*, Vol. II, p. 58.

¹³⁸ William Henry Harrison, Delegate to Congress from the Northwest Territory, was appointed by President Adams as the first Governor of the Indiana Territory.

¹³⁹ Chase's *The Statutes of Ohio and of the Northwestern Territory*, Vol. I, p. 341.

¹⁴⁰ Compare *Twelfth Census of the United States*, 1900, Vol. I, Part 1, pp. 34-35.

moved to refer the same to a select committee.¹⁴¹ Mr. William B. Giles took the lead in advocating the Republican scheme for an early admission of Ohio as a State. He opposed referring the Territorial act to a select committee, observing "that the law [passed by the Territorial legislature] would place the people of that Territory in a very disagreeable situation, and it should be decided as early as possible." Indeed, he had in his hands, he said, petitions signed by above one thousand inhabitants of that Territory against the law; for the act would remove them further from a State government. Its result would be to perpetuate the office of Governor and the Territorial legislature.¹⁴² On motion of Thomas T. Davis of Kentucky the act was referred to a Committee of the Whole House, who a few days later reported that the assent of Congress should not be given, and on the same day the House concurred in this report and withheld its assent to the act.¹⁴³

A few days later Mr. Giles moved that the census of the inhabitants of the Northwest Territory be referred to a select committee with instructions as to what measures, if any, ought to be taken for enabling the people of that Territory to form a government for themselves and be admitted into the Union upon the same terms with the original States.¹⁴⁴ It was ordered that such a committee be appointed with Mr. Giles as Chairman. To this committee was also referred the numerous petitions and memorials from the Territory, all praying that the Territory (with the present area) be admitted as a State.¹⁴⁵ The Commit-

¹⁴¹ *Annals of Congress*, 1st Session, 7th Congress, p. 427. January 20, 1802.

¹⁴² *Annals of Congress*, 1st Session, 7th Congress, p. 427.

¹⁴³ *Annals of Congress*, 1st Session, 7th Congress, p. 466. January 27, 1802.

¹⁴⁴ *Annals of Congress*, 1st Session, 7th Congress, pp. 470, 471. January 29, 1802.

¹⁴⁵ *Annals of Congress*, 1st Session, 7th Congress, p. 471.

tee after consultation with Albert Gallatin, Secretary of the Treasury, reported four resolutions: (1) that the Territory should be admitted as a State after the adoption of a Constitution; (2) that the boundaries of the State should be practically the same as those of the Territory, save that the State should not include upper Michigan; (3) that provision by Congress should be made not only to call but to prescribe the manner of election of a constitutional convention; (4) that, if the State would agree not to tax public lands until after five years from date of purchase, Congress would grant a section in every township, a six-mile reservation for the use of the people, and one-tenth part of the net proceeds of the public land sales in the State to be applied to laying out roads leading from the East to and through the State.¹⁴⁶

The third resolution was the suggestion of Thomas Worthington, special agent. He warned the Republicans on the Committee that the Federalists still controlled the Territorial legislature. Congress should prescribe, he urged, the details of the Statehood Convention, such as defining the election districts, and proportioning the number of delegates to each, and not leave this power to the Territorial legislature. For this body might, at its own mere pleasure, so manage the districting as to assure a Republican defeat.¹⁴⁷

Against these resolutions a storm of protest was raised in Congress by the interested Federalists. The Delegate from the Northwest declared that Congress had nothing to do with the arrangements for calling of a convention. Neither did the Ordinance of 1787 require that the Territory, in order to be admitted into the Union, should form a Constitution. "By the compact, Congress can give their

¹⁴⁶ *Annals of Congress*, 1st Session, 7th Congress, p. 1097. March 30, 1802.

¹⁴⁷ Smith's *The St. Clair Papers*, Vol. II, p. 580, note.

assent to admit the Territory into the Union before the population amounts to sixty thousand. Their power extends no further. . . . Can Congress exercise powers given exclusively to the people?" He conceived it would be as great an encroachment upon their rights to say they shall meet together in convention and form a Constitution, as it would be to say so to any State in the Union.¹⁴⁸

A Connecticut Federalist declared that "This is not the first project started this session that goes to a consolidation and destruction of all the States." "If you interfere with the authority vested in others", he said, "you may proceed any length I do not inquire into the expediency of the measure. Let the people judge of this. If they wish a constitution, I have no objection; but I would not impose upon them what the compact does not warrant, nor would I impose arbitrary power any more upon them than upon any of the States."¹⁴⁹

To the fourth resolution it was objected that funds hitherto applied to extinguishing the national debt were to be applied to local purposes, benefiting simply the western people. It was even insinuated that the Secretary of the Treasury held lands which would be benefited by the proposed roads.

The remarks of the Democrats showed frankly a determination to overlook the Territorial legislature and to act on the suggestion of the numerous petitions and the urgings of the special agent. Mr. Joseph H. Nicholson of Maryland said: "The gentleman says that we ought to wait for the approbation of the Legislature. But if the government of the Territory were to remain organized as at this time, I believe we might wait till doomsday, before we obtained their approbation. Have we not seen a law

¹⁴⁸ *Annals of Congress*, 1st Session, 7th Congress, p. 1103.

¹⁴⁹ *Annals of Congress*, 1st Session, 7th Congress, p. 1105.

passed by that Legislature, not for bettering the condition of the people, but for dividing them in such a manner as to protract their admission into the Union, and thus enabling the present Governor and judges to hold their offices after the Territory, from its population, ought to become a State? I ask if, under these circumstances, it is to be expected that the Governor and Legislative Council would consent to the application of the petitioners?"¹⁵⁰

Mr. R. Williams called attention to the fact that "since Congress had rejected the law passed by the territorial Legislature for dividing it, more than twenty petitions had come on, signed by thousands of the inhabitants praying for a State government, and stating their grievances in the most respectful terms." Mr. Williams had no doubt but that "nine-tenths of those people were in favor and wished a State government. Nay, there was not a solitary petitioner to the contrary, except the member from the Territory, notwithstanding his great desire to defeat this measure, by opposing the will of the people whom he ought to represent on this floor."¹⁵¹ He advocated promotion from the Territory stage to Statehood as early as possible. "These territorial governments, which the United States have been obliged to resort to," he said, "were arbitrary at best, and ought not to exist longer than they could with propriety be dispensed with. They were opposed to the genius of the people of this country, and in direct hostility with their notions of government; of course we were not to suppose they would be satisfied under them any longer than they may be incapable of self-government."

The Speaker, Mr. Nathaniel Macon of North Carolina, declared that he disliked Territorial government so much that he wished "all the Territories were formed into States,

¹⁵⁰ *Annals of Congress*, 1st Session, 7th Congress, p. 1106.

¹⁵¹ *Annals of Congress*, 1st Session, 7th Congress, p. 1107.

that they might have a share in passing the laws by which they are governed.”¹⁵²

In reply to the Federalist opposition to the fourth resolution Mr. Giles said that he was “sorry there was any part of the report that had a local aspect. But this was unavoidable. Local considerations were necessarily blended with principles of general utility.” He recalled the passage of several bills for the erection of light houses at the public expense on the Connecticut shore. Mr. Giles believed that the devoting of one-tenth of the proceeds of the public lands to laying out roads would greatly enhance the value of remaining public lands, so that the Government would in the end be the gainer. In regard to the insinuation that the Secretary of the Treasury held lands that would be benefited by these roads, Mr. Giles declared that it might be so. He had not inquired, but he supposed “he did not hold all the lands. Congress may lay out these roads as they please. . . . It is a million to one that they would not touch his lands.”¹⁵³

Thus was the question of the enabling act of Ohio entangled in the problems of internal improvements, States’ rights, Territorial government, local politics, and national party conflicts. The Democrats had the best of the voting (as of the debating). The four resolutions after amendment, were adopted, and the select committee instructed to prepare a bill. When the bill was reported a few days later it was passed by a party vote.¹⁵⁴ The House bill went through much the same history in the Senate and was passed in April, 1802.¹⁵⁵

This was the first enabling act passed by Congress, and the custom thus established was thereafter frequently fol-

¹⁵² *Annals of Congress*, 1st Session, 7th Congress, p. 1117.

¹⁵³ *Annals of Congress*, 1st Session, 7th Congress, p. 1124.

¹⁵⁴ *Annals of Congress*, 1st Session, 7th Congress, p. 1161. April 9, 1802.

¹⁵⁵ *Annals of Congress*, 1st Session, 7th Congress, p. 296. April 28, 1802.

lowed in regard to the remaining Territories as from time to time they became eligible for admission.¹⁵⁶

In the meanwhile Territorial questions in the Southwest pressed upon Congress for attention. During the years following Gardoqui's offer of a commercial treaty for the abandonment of the navigation on the Mississippi, anxiety concerning this waterway increased in proportion as the settlement of the West increased; for the Mississippi then appeared as their only practical outlet to market, and with the mouth in possession of a foreign nation who denied the privilege of deposit, the situation in the West was somewhat exasperating.¹⁵⁷ While Livingston and Monroe were negotiating the treaty with France, which unexpectedly resulted in so large a purchase as the whole of Louisiana, Congress which was convened in December, 1802, consumed a large part of its time in discussions of Napoleon's rumored scheme of colonizing Louisiana.

On January 7, 1803, the House in secret session passed a resolution expressing confidence in the Executive's ability to vindicate the nation's claim to navigation on the Mississippi.¹⁵⁸ The Senate debate on this question, although it shows apparent concern for the western people on the part of the Federalists, can not conceal a desire to embarrass the administration by urging an undue haste in diplomatic procedure.

Senator James Ross of Pennsylvania, for instance, la-

¹⁵⁶ As provided in the enabling act, a constitutional convention was held which framed a State constitution, followed by an election of officers for the State. On February 19, 1803, an act of Congress was approved which provided for the execution of the laws of the United States within the State of Ohio, and as a State it was thus formally recognized.

¹⁵⁷ In 1802 Morales, the Spanish Intendant at New Orleans, prohibited the further exercise of the right of deposit by Americans, as stipulated in the treaty of 1795.—Compare *American State Papers, Foreign Relations*, Vol. II, p. 527.

¹⁵⁸ *Annals of Congress*, 2nd Session, 7th Congress, p. 339.

mented the calamity which threatened the western country. "More than half a million of your citizens", he said, "are by this cut off from a market. What would be the language, what would be the feelings of gentlemen in this House, were such an indignity offered on the Atlantic coast? Look at the memorial from the Legislature of the Mississippi Territory, now on your table: that speaks a language and displays a spirit not to be mistaken. Their lives and fortunes are pledged to support you. The same may with equal truth be asserted of Kentucky, Tennessee, and the western people of Virginia and Pennsylvania. Is this a spirit to be repressed or put to sleep by negotiation? If you suffer it to be extinguished, can you recall it in the hour of distress, when you want it? Let me warn gentlemen how they trifle with the feelings, the hopes and the fears of such a body of men, who inhabit the western waters. . . . These men have arms in their hands; the same arms with which they proved victorious over their savage neighbors [the Indians]. They have a daring spirit; they have ample means of subsisting; and they have men disposed to lead them on to revenge their wrongs. Are you certain they will wait the end of negotiation? When they hear that nothing has been done for their immediate relief, they will probably take their resolution and act. Indeed, from all we have heard, there is great reason to believe that they will, or that they may have already taken that resolution. . . . They know the weakness of the country; they are sure of present success, and they have a bold river to bear them forward to the place of action. They only want a leader to conduct them, and it would be strange, if with such means and such a spirit, a leader should not soon present himself. . . . They will never return to you, for you cannot protect them." ¹⁵⁹ Mr. Ross made a two days' speech

¹⁵⁹ *Annals of Congress*, 2nd Session, 7th Congress, p. 83. February 14, 1803.

in this spirit, and then moved a resolution that the western militia be called out and the sum of five millions of dollars be appropriated to effect a control of the Mississippi River.¹⁶⁰

Senator Samuel White of Delaware resumed the argument. He declared that the western people had solid claims for the support of the government in this crisis. They had explored the wilderness. They had made out of a desert a cultivated region. They were "our fellow-citizens, our friends, and our brothers, and we are bound by every obligation of good faith, and every sentiment of honor, not to abandon them."¹⁶¹

The senior Senator from New Jersey, Jonathan Dayton, spoke as follows: "For the people of the western country I have long entertained an affection. . . . I have indeed, regarded them among the most meritorious portions of our citizens, because to them, we who sat in ease and security were indebted for extending our settlements into the wilderness, protecting an exposed frontier, and for enhancing the value of our territorial possessions; and because, but for them, but for their enterprise, their courage, and their industry, the waters of one of the finest rivers in the world would still flow useless to the ocean, or at least, without use or profit to the Atlantic States represented on this floor. These facts acknowledged, I ask whether we are not bound by the strongest moral and political obligations to make with these people a common cause, to feel their injuries as our own, and to avenge insults offered to them, as if directed immediately against ourselves?"¹⁶² To the

¹⁶⁰ *Annals of Congress*, 2nd Session, 7th Congress, p. 95.

¹⁶¹ *Annals of Congress*, 2nd Session, 7th Congress, p. 113.

¹⁶² *Annals of Congress*, 2nd Session, 7th Congress, p. 137. This is the same Jonathan Dayton who later appeared in the background of Aaron Burr's conspiracy and of General James Wilkinson's treason.

same effect spoke Gouverneur Morris, the able New York Federalist who was soon to retire from the Senate.¹⁶³

The Republicans were conservative and deprecated the Federalists' wild appeal to arms. Senator DeWitt Clinton of New York thought that the exaggerations by the Senator from Pennsylvania (Mr. Ross) were to be regretted. They were made with "the manifest design of exasperating our feelings, inflaming our passions, and prompting an immediate appeal to the sword." Mr. Clinton inquired whether our citizens in the Southwest "had not been concerned in illicit trade, and in violating the laws of the Spanish colonies." It was vain, said Mr. Clinton, to menace the government with threats of an insurrection of the western States and a dissolution of the Union. It was improper "to represent our Western brethren as a lawless, unprincipled banditti, who would at once release themselves from the wholesome restraints of law and order; forego the sweets of liberty, and either renounce the blessings of self-government, or, like the Goths and Vandals, pour down with the irresistible force of a torrent upon the countries below, and carry havoc and desolation in their train. A separation by a mountain, and a different outlet into the Atlantic, cannot create any natural collision between the Atlantic and Western States; on the contrary, they are bound together by a community of interests, and a similarity of language and manners — by the ties of consanguinity and friendship, and a sameness of principles. . . .

"If there be a portion of the United States *peculiarly* attached to republican government and the present Administration, I should select the Western States as that portion. Since the recent elections there is not a single Senator, or a single Representative in Congress, from that vast country, unfriendly to the present order of things, and, ex-

¹⁶³ *Annals of Congress*, 2nd Session, 7th Congress, p. 185.

cept in a part of the Mississippi Territory, and its whole population did not by the last census reach nine thousand souls, there is scarcely the appearance of opposition. To represent a people so republican, so enlightened, and so firm in their principles, as ready, without any adequate cause, (for no Government could watch over their interests with more paternal solicitude than the present, upon the present question,) to violate their plighted faith and political integrity — to detach themselves from the Government they love, and to throw themselves under the protection of nations whose political systems are entirely repugnant to their own, requires an extent of credulity rarely equalled".¹⁶⁴ Mr. Clinton was prodigal in his attempt to show the great attachment of the western people, the solicitous attitude of the general government, and produced further proofs of loyalty from Kentucky, the Mississippi Territory, and Ohio.

Senator Joseph Anderson of Tennessee exclaimed that the Federalists pressed the Mississippi question only to curry favor from the Westerners, but he thought the gentlemen would be disappointed. He was aware that the people whom he represented were dissatisfied, but they "respected their Government and themselves too much to countenance any means that were not honorable and just, to obtain the deposit right."¹⁶⁵ From time to time, complained Mr. Anderson, he had heard in the Senate and in other places "the most wanton and cruel aspersions cast upon the people of the western country." He did not know how the gentlemen could "reconcile their pretensions of regard for the western people, with the odious imputations which were constantly cast upon their attachment. . . . The late President of the United States [John Adams] had in a most unwarrantable manner told him, that

¹⁶⁴ *Annals of Congress*, 2nd Session, 7th Congress, pp. 121-134.

¹⁶⁵ *Annals of Congress*, 2nd Session, 7th Congress, p. 209.

the western people were ready to hold out their hands to the first foreigner that should offer them an alliance; the same sentiment is echoed here, only in different terms. But such vile imputations attach not to the western people, but to those who employed them. The western people are Americans, who wasted the spring-tide and summer of their days in the cause of their country; men who, having spent their patrimony in establishing their country's independence, travelled to the wilderness, to seek a homestead for themselves and children. Was it honorable, was it consistent with those labored efforts for their good, which we are told actuate gentlemen, to calumniate them in so unworthy a fashion? Gentlemen appear by their gestures to deny that they have been guilty of this calumny. But my charge against them is not of that evasive or double character which they deal in; the words they have used I have taken down — they are, 'The French would draw the western people into an alliance.' 'The western people would be influenced by the insidious emissaries of France.' 'Corruption would find its way among them, and be transferred even to that floor.' Is this not calumny of the darkest hue? Is this the way in which six hundred thousand men are to be stigmatized?"¹⁶⁶

¹⁶⁶ *Annals of Congress*, 2nd Session, 7th Congress, p. 212.

In a letter to Robert R. Livingston, February 3, 1808, Jefferson wrote: "A late suspension by the Intendant of N Orleans of our right of deposit there . . . has thrown this country into such a flame of hostile dispositions as can scarcely be described. The western country was peculiarly sensible to it as you may suppose. . . . The opposition caught it as a plank in a shipwreck, hoping it would enable them to tack the Western people to them. They raised the cry of war, were intriguing in all quarters to exasperate the Western inhabitants to arm & go down on their own authority & possess themselves of New Orleans, and in the meantime were daily reiterating, in new shapes, inflammatory resolutions for the adoption of the House. As a remedy to all this we determined to name a minister extraordinary to go immediately to Paris & Madrid to settle this matter. This measure being a visible one, and the person named [Monroe] peculiarly proper with the Western country, crushed at once & put an end to all further attempts on the Legislature. From that moment all

The debate ended in a party squabble. The result of all this was the passage of a bill a few days before adjournment authorizing the President to require the executives of the States, if necessary, to hold in readiness to march at a moment's warning a detachment of the militia, not exceeding eighty thousand.¹⁶⁷

The Congress which the President called to assemble on October 17, 1803, faced a unique change in the Mississippi situation. Instead of requiring a detachment of militia to hold part of the river, the entire stream was to become the possession of the United States if the Senate but confirmed the treaty of cession. Toward ratifying the Louisiana Treaty and making provision to carry it into effect there was, naturally, a show of opposition on the part of the Federalists, and portions of their debate bore directly upon the character of western settlers. When the bill authorizing the creation of the stock to carry into effect the convention of April 30, was under consideration, Senator Samuel White of Delaware solemnly declared that the settlement of Louisiana would be highly injurious and dangerous to the United States. The adventurous, roving, and enterprising western people could not be restrained from going there. The States to the east of Louisiana would be drained of population. A new State would arise on the Mississippi far from our capital. The people would be alienated from us. They would view us as strangers and would seek other alliances.¹⁶⁸

Senator James Jackson of Georgia spoke in reply. Louisiana, he said, would never become a grievance to us.

has become quiet; and the more readily in the Western country, as the sudden alliance of those new federal friends had of itself already begun to make them suspect the wisdom of their own course."—Ford's *The Writings of Thomas Jefferson*, Vol. VIII, p. 209.

¹⁶⁷ *United States Statutes at Large*, Vol. II, p. 241.

¹⁶⁸ *Annals of Congress*, 1st Session, 8th Congress, p. 34. November 2, 1803.

If the government thought best, even the most impetuous citizens could be restrained from crossing the Mississippi. The Indian frontier of his State was three hundred miles long. Only a handful of Dragoons was necessary to prevent the settlers from crossing and trespassing on the Indian lands although the provocation for doing so was great. "The frontier people", said the Georgia Senator, "are not the people they are represented; they will listen to reason, and respect the laws of their country".¹⁶⁹ It would be well, said Jackson, to move the troublesome Georgia Indians to Louisiana.

John Breckenridge, Senator from Kentucky, directed his urgent speech against the Federalists. "When the right of deposit was violated by a Spanish officer without authority from his Government", he said, "these gentlemen considered our national honor so deeply implicated, and the rights of the western people so wantonly violated, that no atonement or redress was admissible, except through the medium of the bayonet. Negotiation was scouted at. It was deemed pusillanimous, and was said to exhibit a want of fellow-feeling for the Western people, and a disregard to their essential rights. . . . The so much scouted process of negotiation was, however, persisted in, and instead of restoring the right of deposit, and securing more effectually for the future our right to navigate the Mississippi, the Mississippi itself was acquired, and everything which appertained to it. I did suppose that those gentlemen, who, at the last session so strongly urged war measures for the attainment of this object, upon an avowal that it was too important to trust to the tardy and less effectual process of negotiation, would have stood foremost in carrying the treaty into effect, and that the peaceful mode by which it

¹⁶⁹ *Annals of Congress*, 1st Session, 8th Congress, p. 41.

was acquired would not lessen with them the importance of the acquisition.”¹⁷⁰

It was further declared by Senator Breckenridge that the Union would be more in danger from Louisiana when colonized by Americans under control of some foreign rival nation than when populated by Americans under American jurisdiction. He did not hesitate to say that “the people of the Western States are as sincerely attached to the Confederacy, and to the true principles of the Constitution, as any other quarter of the Union. A great portion of them have emigrated from the Atlantic States, and are attached to them by all those ties which so strongly bind societies together.”¹⁷¹

Senator William Cocke of Tennessee resented the expressions by some members of fear “that the Western country will soon become too powerful for the East, and that a separation must inevitably take place between us. I ask gentlemen the ground on which they build their fears. It cannot be, sir, that we have paid less respect to the laws of the Union, than any other portion of our fellow-citizens; or have we in any instance shown less regard for our Government, or its honest administration? Is it then that gentlemen had determined in their own minds to treat us with such marked indifference, or injustice, as should rouse us to just resentment?”¹⁷²

When the question was taken on the passing of the bill authorizing the creation of the stock, it was carried in the affirmative, twenty-six votes for it and five against. The five negative votes were cast by the Senators from Connecticut, the Senators from Delaware, and Senator Timothy Pickering of Massachusetts — all of them extreme Feder-

¹⁷⁰ *Annals of Congress*, 1st Session, 8th Congress, p. 58.

¹⁷¹ *Annals of Congress*, 1st Session, 8th Congress, p. 65.

¹⁷² *Annals of Congress*, 1st Session, 8th Congress, p. 72.

alists.¹⁷³ It was well known that their consistent opposition to the Louisiana acquisition was due largely to the desire to embarrass the President. The same sort of petty opposition appeared in the House. Here among the twenty-five votes cast against the resolution affirming that provision ought to be made for carrying into effect the purchase treaty of Louisiana, twenty of the votes were by New England and New York Federalists.¹⁷⁴ The affirmative vote was as high as ninety.

On January 16, 1804, Jefferson informed Congress that the formal transfer of Louisiana had taken place.¹⁷⁵ Already, in the Senate, a bill was under consideration for extending the laws of the United States over Louisiana and providing a Territorial government, which gave rise to extended debate. The bill for the government of Louisiana proposed to establish the Territory of Orleans in the southern part, and to place the northern part under the jurisdiction of the Governor and Judges of the Territory of Indiana. The section prohibiting the importation of slaves from abroad into the Territory of Orleans was debated several days, and was finally settled by agreeing to an amendment stipulating that no slaves should be introduced into the Territory except by a citizen of the United States moving to the Territory for actual settlement.¹⁷⁶ The bill provided that the legislative powers in the Territory of Orleans should be vested "in the Governor, and in thirteen of the most fit and discreet persons of the Territory", who

¹⁷³ *Annals of Congress*, 1st Session, 8th Congress, p. 73. The same five Senators were among the seven who on October 20, 1803, voted against the ratification of the Louisiana Treaty.—*Annals of Congress*, 1st Session, 8th Congress, p. 308.

¹⁷⁴ *Annals of Congress*, 1st Session, 8th Congress, p. 488. October 25, 1803.

¹⁷⁵ *Annals of Congress*, 1st Session, 8th Congress, p. 233.

¹⁷⁶ *Annals of Congress*, 1st Session, 8th Congress, p. 244. February 1, 1804. See also *Memoirs of John Quincy Adams*, Vol. I, pp. 292-294.

should be appointed annually by the President of the United States, from those holding real estate in the Territory, and that the Governor should convene and prorogue this legislature.¹⁷⁷

Such government as the one proposed was a wide departure from the principle of local self-government. Indeed, in regard to the prerogatives of the Governor, it was no less tyrannical than the colonial government of New York. For this reason it was opposed, especially by Senators John Quincy Adams of Massachusetts and Joseph Anderson of Tennessee, but with little effect. The bill passed the Senate on February 18, by a vote of twenty to five.¹⁷⁸

When the Louisiana government bill was sent to the House, it provoked an outburst of protest. Mr. Michael Leib of Pennsylvania declared that the power of prorogation vested in the Governor was "a royal appendage" which he did not like. If it were retained, he said, the people might as well have no legislature.¹⁷⁹ Mr. Andrew Gregg of Pennsylvania opposed granting to the President the power of appointing the members of the Territorial legislature. It was a "mere burlesque", he said. "How is the President to get information of the qualifications for office?"¹⁸⁰ Mr. Joseph B. Varnum of Massachusetts declared that the bill provided such a government as had never been known in the United States. He thought sound policy, no less than justice, dictated the propriety of making provision for the election of a legislative body by the people. There was, he said, not only the obligation of justice imposed upon Congress to do this, but they were bound by treaty.¹⁸¹

¹⁷⁷ *Annals of Congress*, 1st Session, 8th Congress, p. 1054.

¹⁷⁸ *Annals of Congress*, 1st Session, 8th Congress, p. 256.

¹⁷⁹ *Annals of Congress*, 1st Session, 8th Congress, p. 1055. February 28, 1804.

¹⁸⁰ *Annals of Congress*, 1st Session, 8th Congress, p. 1055.

¹⁸¹ *Annals of Congress*, 1st Session, 8th Congress, p. 1056.

The Treaty of Paris contained the following provision: "The inhabitants

Dr. William Eustis of Massachusetts supported the bill. "From that knowledge of this people which I have been able to acquire, I have formed an opinion that authority should be constantly exercised over them, without severity, but in such a manner as to secure the rights of the United States and the peace of the country." Dr. Eustis admitted that "the government laid down in this bill is certainly a new thing in the United States; but the people of this country differ materially from the citizens of the United States. I speak of the character of the people at the present time. When they shall be better acquainted with the principles of our Government, and shall have become desirous of participating in our privileges, it will be full time to extend to them the elective franchise. . . . I am one of those who believe that the principles of civil liberty cannot be ingrafted on a people accustomed to a regimen of a directly opposite hue. The approach of such a people to liberty must be gradual. I believe them at present totally unqualified to exercise it."¹⁸²

Mr. John B. C. Lucas of Pennsylvania did not wish to reflect upon the character of the inhabitants of Louisiana, but he would say that "they are not prepared for a government like that of the United States. Governed by Spanish officers, exercising authority according to their whim, supported by a military force, it could not be said that a people thus inured to despotism, were prepared on a sudden to receive the principles of our Government."¹⁸³

of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."—*American State Papers, Foreign Relations*, Vol. II, p. 507.

¹⁸² *Annals of Congress*, 1st Session, 8th Congress, p. 1058.

¹⁸³ *Annals of Congress*, 1st Session, 8th Congress, p. 1061.

Said Mr. James Holland of North Carolina: "Can gentlemen conceive the people of Louisiana, who have just thrown off their chains, qualified to make laws? Under the late system the people had no concern in the government, and it was even criminal for them to concern themselves with it; they were set at a distance from the government, and all required from their hands was, to be passive and obedient. Can it be supposed such a people made the subject of Government their study, or can it be presumed they know anything about the principles of the Constitution of the United States? . . . It is a fact that many of the most respectable characters in the country conceive the principle of self-government a mere bubble, and they will not consider themselves aggrieved if it is not extended to them. Does the history of nations show that all men are capable of self-government? No such thing. It shows that none but an enlightened and virtuous people are capable of it; and if the people of Louisiana are not sufficiently enlightened, they are not prepared to receive it."¹⁸⁴

Mr. James Sloan of New Jersey acknowledged that he was ignorant of the situation of the people. "I only know their situation," he said, "from printed narrative, and historical or verbal accounts, and probably the greater part of the members of the present House are equally ignorant. But, Mr. Chairman, the only thing I want to know, to decide the present question, is, are they human beings possessed of rational understanding? If so, give them an opportunity to improve it."¹⁸⁵

¹⁸⁴ *Annals of Congress*, 1st Session, 8th Congress, p. 1073.

¹⁸⁵ *Annals of Congress*, 1st Session, 8th Congress, p. 1074.

Practically the only source of Congress's information outside the official documents communicated by Jefferson, was unreliable newspaper reports. November 14, 1803, the President transmitted a "Description of Louisiana", and on November 29 a "Digest of the Laws of Louisiana" and the census of 1785. "You will be sensible", said Jefferson in his message, "from the face of these

Mr. George Washington Campbell of Tennessee said that "It has been intimated that these people are unfit to govern themselves, but I am acquainted with no information that warrants this inference. . . . The best information assures us that a considerable proportion of the population is composed of American citizens, amounting perhaps to one-fourth or one-fifth of the whole. There are also many British subjects, not so ignorant as to be entirely insensible to the benefits of a free Government."¹⁸⁶

A vigorous attack on the measure was made by Mr. John G. Jackson of Virginia. "A great number of the inhabitants", he argued, "are Americans. Emigration has been carried to a great extent; many have gone from the West, from the East, and from the middle States; and I will ask gentlemen, whether those persons who have carried with them the habits of Americans, are not fit objects of free government? Surely they are; and yet these must be excluded from the benefits of self-government, if this bill pass in its present shape."¹⁸⁷

An amendment was introduced by Mr. Peter Early of Georgia, providing that after the expiration of one year the Territorial legislature should be elected by the free male population.¹⁸⁸ This amendment passed the House by a large majority vote. The Senate, however, disagreed to the proposed amendment, and a conference committee was accordingly appointed by both houses.

papers that they are not and could not be official, but are furnished by different individuals as the result of the best inquiries they had been able to make, and now given, as received from them."—*Annals of Congress*, 2nd Session, 8th Congress, pp. 1498-1578.

Niles' Register, as late as 1811, devoted a large amount of space to a description of the people of Louisiana. Vol. I, p. 243.

¹⁸⁶ *Annals of Congress*, 1st Session, 8th Congress, p. 1066.

¹⁸⁷ *Annals of Congress*, 1st Session, 8th Congress, p. 1070.

¹⁸⁸ *Annals of Congress*, 1st Session, 8th Congress, p. 1191.

On March 23, Mr. Joseph H. Nicholson of Maryland made a report from the managers on the part of the House, recommending that the House recede from the substitute amendment. The managers were informed, said Mr. Nicholson, that the election of a Legislative Council in Louisiana was impracticable, for the people lived in parishes composed entirely of either Spaniards, French, Germans, or Creoles, and thus the representatives of no two parishes would always speak the same language.¹⁸⁹ The report was agreed to. While there was reason for distrusting the loyalty of the inhabitants in the newly acquired and distant Louisiana, yet to tear from them even the slightest vestige of self-government, on the assumption that a Territorial legislature was impractical because of the diversity of language, would seem to indicate most extreme caution and conservatism, if not tyranny. Thus, keenly were the people of Louisiana made to realize that Congress viewed them as subjects, not citizens, of the United States.

At the opening of the next session of Congress, which was in November, 1804, the President informed Congress that the Territorial government of Louisiana had been duly effected; and he added that the government already established "having been considered but as temporary, and open to such future improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration."¹⁹⁰

In the House, on November 12, 1804, it was resolved that so much of the President's message as related to improving the Louisiana government should be referred to a committee, of which John Randolph was made chairman.¹⁹¹ To

¹⁸⁹ *Annals of Congress*, 1st Session, 8th Congress, p. 1229. March 23, 1804. The bill provided for only a temporary government, limited to one year's duration.— *United States Statutes at Large*, Vol. II, p. 283.

¹⁹⁰ Richardson's *Messages and Papers of the Presidents*, Vol. I, p. 371.

¹⁹¹ *Annals of Congress*, 2nd Session, 8th Congress, p. 684.

this committee was also referred a memorial of remonstrance from the inhabitants of Louisiana, signed by about 2000 heads of families.¹⁹² The language of this petition plainly exhibited the fear of the people that their morals and conduct had been misunderstood by Congress, and that they considered the government established by act of the last session as highly oppressive. Three agents from the country — Sauv , Derbigny, and Destr han, three Creole gentlemen of recognized families — waited upon Congress to press the cause of the inhabitants. They frankly expressed their dislike of Governor Claiborne, their dissatisfaction because of the prohibition of the slave trade in their Territory, and their grievance because of the dictatorial form of government thrust upon them. We early understood, read the memorial they presented, that we were to be American citizens, and this filled us with that happiness which arises from the anticipated enjoyment of a right long withheld, but we have been assigned to a legal status inconsistent with every principle of civil liberty.¹⁹³

On January 25, Mr. Randolph from the committee reported against permitting the foreign importation of slaves into Louisiana, but recommended that provision ought to be made for extending to the people of Louisiana the right of self-government.¹⁹⁴ The House adopted this report and accordingly ordered a bill for that purpose to be brought in. Before such a bill was reported the Senate passed a bill further providing for the government of the Territory of Orleans by granting the inhabitants a General Assembly (the lower house of which was to be elected by the people,

¹⁹² *Annals of Congress*, 2nd Session, 8th Congress, pp. 728, 1597-1608. December 3, 1804.

¹⁹³ *Memoirs of John Quincy Adams*, Vol. I, p. 321. *Annals of Congress*, 2nd Session, 8th Congress, p. 1597.

¹⁹⁴ *Annals of Congress*, 2nd Session, 8th Congress, pp. 1014-1019.

as provided in the Ordinance of 1787) and extending to them all the rights, privileges, and restrictions named in the Ordinance, save that the sixth article of compact prohibiting slavery was excepted.

Another Senate bill erected the District of Louisiana into a separate Territory, with a legislative body consisting of a Governor and three Judges appointed by the President.¹⁹⁵ In the Senate an effort was supported by John Quincy Adams and James Jackson of Georgia to secure an amendment authorizing the people of Louisiana to hold a convention which might form one or two Territorial governments in such manner as the people should desire, but the amendment was negatived by a vote of eight to twenty-four.¹⁹⁶

The two Senate bills passed the House with little debate late in the session, and when they went into operation, Orleans was raised to the second grade of Territorial government as provided in the ordinance of the Northwest, while Upper Louisiana was continued in the first grade.¹⁹⁷

At the opening of the session of Congress in December, 1806, the President's message related how boundary complications with Spain required a military force to be maintained in the southwest and that the government relied upon volunteer cavalry in the Territories of Orleans and Mississippi. Concerning the attitude of this section of the country toward the government, Jefferson went on to say: "I inform you, with great pleasure, of the promptitude with which the inhabitants of those Territories [Mississippi and Orleans] have tendered their services in defense of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the

¹⁹⁵ *Annals of Congress*, 2nd Session, 8th Congress, pp. 52, 69.

¹⁹⁶ *Annals of Congress*, 2nd Session, 8th Congress, p. 59.

¹⁹⁷ *Annals of Congress*, 2nd Session, 8th Congress, pp. 1211, 1215. *United States Statutes at Large*, Vol. II, pp. 322, 331.

Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.”¹⁹⁸

President Jefferson wrote this with that “easy credulity of his temper” which so much exasperated Randolph. Meanwhile ugly suspicions and rumors, which have always been more or less conspicuously attached to the West, were being widely circulated, and with evident foundation for their veracity. The Aaron Burr conspiracy was no longer simply an open secret. On November 27 the President was forced to issue a proclamation directing the army to apprehend and seize all persons concerned in the scheme.¹⁹⁹ General Wilkinson’s vague hints of treason and wild arrests in New Orleans began in December, and the same month saw Burr’s flotilla dodging the President’s proclamation on its way down the Mississippi.

The newspapers were filled with rumors of dangers to the safety and preservation of the Union, printing most alarming and absurd accounts concerning the extent of the conspiracy, the movements of Burr, the size of his following, and the disaffection of the western country and of the army.²⁰⁰ And enemies of the administration were loud in their complaints that the government was permitting a treasonable enterprise to be fostered openly without taking a step to suppress it. Through all this comical hubbub Jefferson maintained an outward calmness and confidence in the West. “A few days”, he said, “will let us know whether the western state suppress that enterprise, or whether it is to require from us a serious national arma-

¹⁹⁸ Richardson’s *Messages and Papers of the Presidents*, Vol. I, p. 406.

¹⁹⁹ Wilkinson’s *Memoirs*, Vol. II, Appendix, No. xcii.

²⁰⁰ As examples of these extravagant newspaper accounts, see the *National Intelligencer*, November 7, 1806, and the *Palladium* (Frankfort, Kentucky), December 11, 1806.

ment.”²⁰¹ Congress also kept a rational attitude, although some members — discontents like John Randolph — professed themselves greatly excited.

On January 5, 1807, General Samuel Smith introduced in the Senate, with the consent of the President, a resolution proposing an increase in the military establishment of the United States.²⁰² To his brother-in-law, Wilson Cary Nicholas, he wrote a few days later: “I fear that Burr will go down the river and give us trouble. The proclamation, it seems, in the Western country is very little attended to. They, no doubt, seeing no exertion making, consider that it has originated from false information. The President has not yet given any kind of information to Congress, and gentlemen (Giles among the number) will not believe that there is any kind of danger. . . . Duane calls on Congress to act. How can Congress act? Would you force from the Executive the information they are unwilling to give?”²⁰³ Had not the conspiracy been disclosed, complained General Smith, “the President would have folded his arms and let the storm collect its whole strength.”

In the House it appears that Randolph could restrain his impatience no longer. He moved a resolution asking the President what information he possessed touching “any illegal combination of private individuals against the peace and safety of the Union,” and what he had done, or proposed to do, to defeat the same.²⁰⁴ Perhaps at this moment, he said, “the fate of the Western country may have been decided”. Mr. Willis Alston of North Carolina opposed the resolution, saying: “I have no apprehension and feel no dread of any force that can be brought against

²⁰¹ Ford's *The Writings of Thomas Jefferson*, Vol. VIII, p. 503.

²⁰² *Annals of Congress*, 2nd Session, 9th Congress, p. 27. January 5, 1807.

²⁰³ Quoted from Adams's *History of the United States*, Vol. III, p. 334.

²⁰⁴ *Annals of Congress*, 2nd Session, 9th Congress, p. 336. January 16, 1807.

us in the Western country. Our force there will be able to cope with any that shall be embodied against the United States and the moment the man at their head shall declare himself hostile to the Union, the very forces which he has raised will turn their bayonets against him: they will desert him." Mr. Alston credited newspaper information. "In a few days", he continued, "we shall probably receive another western mail, and if the information then received shall not be satisfactory, or serious danger appears to exist, we may call for that information which is not now necessary."

Mr. Joseph Clay of Pennsylvania said this was the first time "that he had ever heard it stated that newspaper information was proper for legislative action. For this reason we are to wait, it seems, until we get two or three more newspapers from the Western country."²⁰⁵

Mr. James Holland of North Carolina had no "apprehension for the peace and safety of the country. I have reason to believe that there are some desperate characters engaged in disturbing the peace of society, but I confide in the integrity of the people; and I believe the strength of the militia will always be found competent to the exigency." Said Mr. George Washington Campbell of Tennessee: "This conspiracy has been painted in stronger colors than there is reason to believe that it deserves. It has been stated as dangerous to the Union. On what grounds? There is no evidence that there is in any part of the United States two hundred persons collected for the purpose of carrying it into effect. . . . We have indeed newspaper evidence, that it was reported that the author of it was to march at the head of two thousand men, and that four thousand Kentuckians were to follow: At the same time,

²⁰⁵ *Annals of Congress*, 2nd Session, 9th Congress, p. 338.

however, that Kentucky is taking the most effectual means to crush it. So far from there being four thousand Kentuckians enlisted, I do not believe there are ten, unless, indeed, the stragglers passing through that State are so denominated.

“The gentleman from Pennsylvania has observed that the members from the Western country are either ignorant, or pretend to be so, of this plot. I cannot suppose the gentleman alluded to any member in this House. There is one circumstance on this head worthy of notice — the greater part of the men associated came from the Eastern country, and from the State of the gentlemen from Pennsylvania. With regard to the sentiments of the Western country, I believe they are as well affected towards the Union as those of any part of the confederacy. I do not conceive there is ground for the alarm that has gone forth.”²⁰⁶

In spite of these professions of confidence in the western situation the resolution passed by a large majority.²⁰⁷ Six days later (January 22) the President transmitted his reply on the Burr conspiracy, accompanied by the correspondence of General Wilkinson.²⁰⁸ Among other details the message narrates concerning Burr that “He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons, who were ready for any enterprise analogous to their characters. He seduced good and well meaning citizens, some by assurances that he possessed the confidence of the Government, and was acting under its secret patronage, a pretense which procured some credit from the state of our differences with Spain; and others by offers of land in Bastrop’s claim on the Washita.”

²⁰⁶ *Annals of Congress*, 2nd Session, 9th Congress, p. 347.

²⁰⁷ *Annals of Congress*, 2nd Session, 9th Congress, p. 357.

²⁰⁸ *Annals of Congress*, 2nd Session, 9th Congress, pp. 39, 1008-1019.

The President was of the opinion that the enterprise would come to naught. "On the whole", he wrote, "the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans." He related the drastic arrests by General Wilkinson in New Orleans, the great alarm excited in that city, and praised the patriotic zeal of the inhabitants — "the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen; and the other citizens manifesting unequivocal fidelity to the Union and a spirit of determined resistance to their expected assailants." The message closed with the information that two suspected conspirators summarily arrested by Wilkinson were now embarked by him for Washington.

The Senate hastened to coöperate with the President. The next day William B. Giles introduced a bill suspending for a limited time the writ of *habeas corpus* in certain cases; and the necessity for prompt action so appealed to the Senate that the rules by unanimous consent were dispensed with and the bill came to the third reading on that same day and was passed.²⁰⁹

On Monday the Senate bill was delivered to the House. If Jefferson expected the House to give their assent to this bill, the incident affords an exception to his usual personal control of that body. His own son-in-law, Mr. John W. Eppes of Virginia, moved its rejection;²¹⁰ while Mr. William A. Burwell of Virginia exclaimed: "Nothing but the most imperious necessity would excuse us in confiding to the Executive, or any person under him, the power of seizing and confining a citizen, upon bare suspicion, for three months, without responsibility." And, added Mr. Burwell,

²⁰⁹ *Annals of Congress*, 2nd Session, 9th Congress, p. 44. January 23, 1807.

²¹⁰ *Annals of Congress*, 2nd Session, 9th Congress, p. 403.

it seems that the country is perfectly safe, and the conspiracy nearly annihilated.²¹¹

The bill was rejected promptly by a vote of one hundred thirteen to nineteen.²¹² Hardly a month later Chief Justice Marshall discharged the prisoners sent to Washington by Wilkinson, upon a writ of *habeas corpus*.²¹³ In the subsequent indictment and trial of Burr the conspiracy passes from the pages of Congressional history to the field of the Supreme Court and the Executive. But traces of the episode occur in the Congressional records for many years following.

Considerable attention was devoted in that same session and in several following sessions to measures for punishing persons who should engage in an unauthorized military enterprise or conspiracy. The entire proceedings of the Aaron Burr trial was communicated to the Senate at the opening of Congress in November, 1807;²¹⁴ and the same session witnessed the investigation of Senator John Smith of Ohio, by a committee of the Senate, for alleged association with the Burr conspiracy.²¹⁵ The state of investigation and denunciation could never be complete without John Randolph as chief accuser, and he did not shirk his usual course. On December 31 he moved the resolution requesting the President to communicate what information might be held concerning the conduct of General James Wilkinson, in relation to his having ever received a pension from the King of Spain.²¹⁶

²¹¹ *Annals of Congress*, 2nd Session, 9th Congress, p. 405.

²¹² *Annals of Congress*, 2nd Session, 9th Congress, p. 424.

²¹³ Ex parte Bollman and Swartwout, 4 Cranch 75.

²¹⁴ *Annals of Congress*, 1st Session, 10th Congress, pp. 33, 385. November 23, 1807.

²¹⁵ *Annals of Congress*, 1st Session, 10th Congress, p. 55. *Memoirs of John Quincy Adams*, Vol. I, pp. 481-528.

²¹⁶ *Annals of Congress*, 1st Session, 10th Congress, p. 1261.

Without attempting to give the history of these episodes it is worthy of attention to note the expressions that they called forth concerning the loyalty of the western people.

It was unfortunate for the reputation of the West that a Senator like John Smith of Ohio should have been so deeply implicated in the conspiracy. Easterners, although aware of the participation by a former Vice President, and by members of Congress and army officers — all from the Atlantic States — might naturally think that there was insurrectionary spirit in the West itself when prominent men in that section united and coöperated with the conspirators. Senator William H. Crawford declared that east of the Alleghanies the artful traitor (Burr) had dared address himself only to the enemies of the administration, but west of the mountains he endeavored to convince *every* man that it was the interest of the western country to separate from the Atlantic States. "Here", said Crawford, "he addresses himself to the most respectable and influential characters, who stood high in the estimation of the public, who had no cause of complaint against the Administration." ²¹⁷

John Quincy Adams, Chairman of the investigating committee, certainly held no suspicions concerning the fidelity of the western people and yet his sensible speech in opening the John Smith case bristled with passages which might be interpreted as unfavorable to them. He spoke of the character and purpose of Burr as being early well known in the West; that "Blannerhasset was filling the newspapers with rebellion, and engaging men for war," while Burr "was obtruding almost upon every stranger and transient acquaintance, that he found, in his way, the opinions which were suitable to his purpose", and how he was widely en-

²¹⁷ *Annals of Congress*, 1st Session, 10th Congress, p. 314. April 9, 1808.

tertained by respectable citizens to whom he broached "all his doctrines respecting the imbecility of the present Administration, and the right, the interest, and the provocations which the western people had to separate them from the Atlantic States."²¹⁸

The debate in the House upon Randolph's resolutions of December 31, was somewhat acute as well as rambling. All through it appears a thread of intimation that treason and infidelity still lurked in the West. Mr. John Rowan of Kentucky, while vehemently denouncing Wilkinson, defended the Kentuckians. It was well known, he said, that Spain was furnishing arms and money to the western country, but the Court of Spain addressed itself only to high characters like Wilkinson; "humble characters would not suit their purpose."²¹⁹ Mr. John Smilie sarcastically referred to the patriotism of Kentucky. The legislature of Kentucky did well to inquire into the conduct of a certain Judge Sebastian in receiving a pension from the Spanish government; but, said Mr. Smilie, it is strange that they never communicated their information to the Washington government.²²⁰ Mr. Randolph's resolution was adopted by the House,²²¹ and the President accordingly responded on January 20, 1808.²²²

But this did not end the affair. For several sessions General Wilkinson's conduct in the western country proved a fruitful subject for investigation, and cast more or less reflection upon western loyalty. One example of such inti-

²¹⁸ *Annals of Congress*, 1st Session, 10th Congress, pp. 253, 251.

John Quincy Adams was the manager of the trial of Senator Smith. The resolution to expel him lacked but one vote of the necessary two-thirds.—*Annals of Congress*, 1st Session, 10th Congress, p. 324.

²¹⁹ *Annals of Congress*, 1st Session, 10th Congress, p. 1372. January 8, 1808.

²²⁰ *Annals of Congress*, 1st Session, 10th Congress, p. 1374.

²²¹ *Annals of Congress*, 1st Session, 10th Congress, p. 1458. January 13, 1808.

²²² *Annals of Congress*, 1st Session, 10th Congress, p. 2726. January 20, 1808.

mations will suffice to illustrate the suspicions of the East. In 1810 when a resolution to appoint a committee to further inquire into the conduct of General Wilkinson was before the House, Mr. Erastus Root of New York in the course of an argument said: "As long ago as 1786 or 1787, when the mouths of the Mississippi were held by Spain, the inhabitants on its waters were taking measures, if not for independence of the United States, at least for a connexion with Spain."²²³

It may be asked, what effect the Aaron Burr conspiracy and its accompanying episodes exerted in years following upon the eastern opinion of the western people's loyalty to the Union? In the early days of the government it was a frequent occurrence to make invidious comparisons between the loyalty of different sections of the country. To attack the western people in this respect was no new thing. Indeed, the first Congress witnessed such insinuations. Senator William Maclay recorded in his journal on April 16, 1789, the following observations:

New phantoms for the day must be created. Now a dangerous and dreadful conspiracy is discovered to be carrying on between the people of Kentucky and the Spaniards. King [Senator Rufus King of New York] unfolded this mysterious business, adding that he conceived his fears were well founded. He firmly believed there was a conspiracy; that it was dangerous to put arms into the hands of the frontier people for their defense, lest they should use them against the United States.

I really could scarce keep my seat and hear such base subterfuges made use of one after another. I rose, demanded what right gentlemen had to monopolize information. If they had it, let them come forward with it and give other people an opportunity of judging of the authenticity of the information, as well as the persons in possession of it, declared I could not tamely sit and hear the charac-

²²³ *Annals of Congress*, 3rd Session, 11th Congress, p. 440. December 18, 1810.

ters of the people on the Western waters traduced by the lump. . . . I felt disposed to wipe King hard, and certainly did so.²²⁴

There were not wanting those who, unlike Maclay, were willing to cherish and promulgate such opinions for political purposes, although they must have realized their exaggerations at the time, and events later proved their untruth. However, like evidence, presented to a jury which is decided out of order by the court, has nevertheless produced an effect on the jury which no rulings by the court can entirely eradicate: so the intimations of disloyalty, insurrection, insubordination and lawlessness of the western people stood upon the records of the national legislature and left unfortunate impressions in the Atlantic States for many years.

At the time of the Burr conspiracy there probably were no States more strongly attached to the Union than Kentucky, Tennessee, and the young State of Ohio. Certainly New England was not more so, for at the time four Federalist Senators (Plumer of New Hampshire, Tracy and Hillhouse of Connecticut, and Pickering of Massachusetts) not only expressed their opinion that a dissolution of the Union was inevitable, but together with other New England members in Congress attempted in 1804 to foster a movement in their States looking towards such a dissolution.²²⁵ Such machinations in populous States were overshadowed by western conspiracies, because, the international possibilities of developments in the West and the romance and speculation that surrounded them, invited interest and curiosity, and thereby gained an unwarranted notoriety for the section of country where they culminated.

As a contradiction to this adverse eastern opinion west-

²²⁴ *Journal of William Maclay* (1890), p. 240.

²²⁵ Compare Plumer's *Life of William Plumer*, pp. 284-311, and Plumer's *New England Federalism*, pp. 106, 146, 342.

ern members to Congress during a score or more of sessions felt it a part of their official duty to their constituents to inform Congress of the attachment of the West to the general government; and the Congressional records abound with these declarations of loyalty, more or less oratorical, but always sincere, until the time came when the West had grown so large and prosperous and powerful that such professions were no longer necessary.

While the Burr conspiracy was holding the interest of the East the government which Congress provided for the Territory of Orleans by the act of March 3, 1805, was proving by no means satisfactory to the people of that Territory. The colony of Louisiana had been most tenderly reared by its European guardians. The Creoles, French, and Spanish of New Orleans numbered many cultured and educated families who considered themselves, and not without reason, as above the American emigrants to that Territory. These people had expected to be granted, soon after the transfer of Louisiana, the right of admission as a State into the Union. Great was their disappointment and chagrin to be relegated to the lower grade of Territorial government. The story of their feeble remonstrance carried to Congress by the three Creole gentlemen has already been related.

It was not until 1811 that Congress acted upon their petition. A bill was reported in the House to enable the people of Orleans Territory to form a State government and be admitted into the Union, and came to the third reading on January 9. For seven years this privilege had been denied them, contrary to the obligation contracted by the treaty of cession with France. Should Congress now refuse to perform this solemn engagement? The remnants of the Federalist party said yes, and opposed the bill in the bitterest spirit, much to the disgust of the Delegate from the Territory of Mississippi who took part in the debate. There was

no question of the loyalty of the Louisiana people, he declared. Then why should they not be raised to the status of citizenship in a State?²²⁶

The more the Federalists realized that they were fighting their last battle against westward expansion, the more vindictive became their argument.

Mr. Sheffey, a Federalist of Virginia, said that while he was disposed to treat the inhabitants of the Orleans Territory as brothers, and not as vassals, he was not ready "to transfer the inheritance purchased by the blood of our fathers to foreigners."²²⁷

Mr. Laban Wheaton of Massachusetts declared that "The great Napoleon may have more land to sell, and Spain now possesses what she cannot retain. May we not, in time, have the whole of South America, [or] some of the West India islands? . . . And if so, upon the same principle that we form the Territory of Orleans into a State, we may form these Territories into as many separate States as we please, and admit them into the Union, with all the powers and privileges that any of our States now possess and enjoy. Then what will become of the Old United States, who first entered into the compact contained in the Constitution, and for whose benefit alone that instrument was made and executed? Instead of these new States being annexed to us, we shall be annexed to them, lose our independence, and become altogether subject to their control."²²⁸

On January 14 a speech was delivered against the bill which attracted attention over the entire Nation. Mr. Josiah Quincy of Massachusetts was the speaker, and he said: "I am compelled to declare it as my deliberate opinion, that, if this bill passes, the bonds of this union are virtually

²²⁶ *Annals of Congress*, 3rd Session, 11th Congress, p. 555. January 15, 1811.

²²⁷ *Annals of Congress*, 3rd Session, 11th Congress, p. 484.

²²⁸ *Annals of Congress*, 3rd Session, 11th Congress, p. 494.

dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation — amicably if they can, violently if they must.”²²⁰ After several minutes of confusion on the floor of the House, Mr. Quincy continued: “This Constitution never was, and never can be strained to lap over all the wilderness of the West, without essentially affecting both the rights and convenience of its real proprietors. It was never constructed to form a covering for the inhabitants of the Missouri, and the Red River country. And whenever it is attempted to be stretched over them, it will rend asunder. . . . You have no authority to throw the rights and liberties, and property of this people into a ‘hotch-pot’ with the wild men on the Missouri, or with the mixed, though more respectable race of Anglo-Hispano-Gallo Americans, who bask on the sands, in the mouth of the Mississippi.”

Mr. Richard M. Johnson of Kentucky saw in this speech a slur cast upon the people he represented. “I wish on this occasion,” he said, “to do justice to the people of Kentucky, by asserting their inviolable attachment to the Union, more especially since in this House its sacredness has been profaned in a manner not to be forgotten. If the people of the West and beyond the mountains have any political idol, it is the union of the States. . . . Their union is never profaned by conversations or speculations about disunion. You never hear disunion mentioned in private circles, much less in public bodies. A professor of religion to deny the existence of an over-ruling Providence, would not be more disgraced in the estimation of the real Christian, than a statesman would be disgraced, politically, by even doubting the advantages of the union of the States. The word disunion,

²²⁰ *Annals of Congress*, 3rd Session, 11th Congress, p. 525.

as applied to the States, would produce a heart-rending pang in the bosom of a Western patriot. . . . As a people they cherish and harbor no jealousy about large and small States, of commercial monopolies, &c. Nor are they thus attached to the Union from selfish and interested motives — no, sir, their attachment to the Union arises from noble and generous affection, a magnanimous and disinterested display of patriotism, and love of independence. We have given many proofs of this. At a time when this people were agitated and alarmed at the prospect of having some of their most essential rights interrupted, and when they declared their determination to support those rights [the Kentucky Resolutions], the gold and silver of Spain, in the hands of Spanish emissaries, could not alienate the affections of this people, with all the influence of arch intriguers; and the treason of Aaron Burr had as little effect upon the minds of this virtuous and happy people.”²³⁰

Mr. Nathaniel Macon of North Carolina observed that he was as willing now to make Orleans a State as he had been to make Ohio a State. “The great object is to make us one people; to make this nation one. . . . The people of Orleans possessed certainly as strong an attachment to the nation as could be expected from the time they had belonged to it. When the Spaniard invaded the Territory, they stepped forward to repel them.”²³¹

Mr. John Rhea of Tennessee warmly espoused the cause of the Territory. “Give them,” he said, “all the rights of freemen and citizens.”²³²

The bill passed the House on January 15, 1811, by a vote of seventy-seven yeas and thirty-six nays, twenty-one of the

²³⁰ *Annals of Congress*, 3rd Session, 11th Congress, p. 721.

²³¹ *Annals of Congress*, 3rd Session, 11th Congress, p. 485.

²³² *Annals of Congress*, 3rd Session, 11th Congress, p. 501.

negative votes coming from New England.²³³ In a few weeks the Senate concurred.²³⁴ The precedent established by the passage of this bill left no doubt as to the ultimate political status of trans-Mississippi Territories. The Constitution and Statehood were to extend to them as they had in the case of the Northwest and the Southwest Territories.

Two years previous to this last debate upon Louisiana Statehood occurred the final settlement in the Territory of Indiana of a long struggle to introduce slavery. By the sixth article of the compact of the Northwest Ordinance slavery was forbidden. It appears that after the enactment of this statute by the Congress of the Confederation, the French slave-owners in the Illinois country and at Detroit, Kaskaskia, and Vincennes feared that the article was intended to be retroactive. A certain Bartholomew Tardiveau from that country addressed Congress and the President, praying for a declaration that the Ordinance was not intended to free slaves previously held in the Territory. In a letter to Governor St. Clair sometime later he claimed to have been assured by members in Congress "that the intention of the obnoxious resolution had been solely to prevent the future importation of slaves into the Federal country; that it was not meant to affect the rights of the ancient inhabitants; and promised to have a clause inserted in it explanatory of its real meaning, sufficient to ease the apprehensions of the people".²³⁵ Congress passed no interpreting clause, but Governor St. Clair upon his arrival in the Territory issued a proclamation declaring that the sixth article was not

²³³ *Annals of Congress*, 3rd Session, 11th Congress, p. 577.

²³⁴ *Annals of Congress*, 3rd Session, 11th Congress, p. 127. February 7, 1811.

Louisiana was formally admitted as a State by Act of April 8, 1812.—*United States Statutes at Large*, Vol. II, p. 701.

²³⁵ Smith's *The St. Clair Papers*, Vol. II, p. 117. Bartholomew Tardiveau to Governor St. Clair, June 30, 1789.

intended to free slaves already held, but to prohibit the future importation of slaves.²³⁶

A large class of the American settlers emigrating to the Territory were people also accustomed to hold slaves in their native States, and accordingly there began a spirited demand for the abolishment of the restricting sixth article. On April 25, 1796, the first petition for this advantage came to the House.²³⁷ The petitioners, four in number who claimed to represent the inhabitants of two counties in the Illinois country, contended that by the Common Law and by former promises of the State of Virginia, when that State's jurisdiction extended over part of the land in question, they were legally entitled to hold slaves in the Territory. They recounted the economic necessity of slavery there. Laborers cannot be procured, they wrote, to assist in cultivating the grounds under one dollar per day. Tradesmen demand two dollars, and there were few to be got even at those exorbitant prices.²³⁸ Therefore they prayed that the sixth article be repealed.

The House Committee to whom this petition was referred reported on May 12 that the petition ought not to be granted, there being no evidence that the four petitioners expressed the wish of the majority of the inhabitants.²³⁹

After the division of the Northwest Territory in 1800, a new and vigorous agitation for slavery appeared in the Indiana Territory. The new government (which was of the first grade as provided in the Ordinance of 1787) had hardly been organized by Governor Harrison before a petition

²³⁶ Smith's *The St. Clair Papers*, Vol. I, pp. 120 note, 205-206. Compare St. Clair's letter to Luke Decker of Vincennes.—*The St. Clair Papers*, Vol. II, p. 318.

²³⁷ *Annals of Congress*, 1st Session, 4th Congress, p. 1170.

²³⁸ *American State Papers, Public Lands*, Vol. I, p. 69.

²³⁹ *Annals of Congress*, 1st Session, 4th Congress, p. 1349.

from the Illinois country was sent to the Senate.²⁴⁰ The petitioners prayed Congress to adopt the plan of permitting slaves to be introduced into any Territory, "who when admitted shall continue in a state of Servitude during their natural lives, but that all their children born in the Territory shall serve, the males until thirty-one and the females until twenty-eight, at which time they are to be absolutely free."²⁴¹ The Senate ordered the petition to lie on the table, and that was the end of it.

The people of Indiana were not discouraged by the inattention of Congress to their petition. The politicians decided upon two moves: first, to petition the Governor and Judges for the second stage of Territorial government, which would entitle them to a Delegate to Congress;²⁴² and, second, it was urged that Congress would respect a memorial for slavery more than a mere petition, and therefore a convention for that purpose should be held. The first movement Harrison was shrewd enough to cause to be abandoned, for he realized that the establishment of an elective Territorial legislature would weaken the Governor's influence. The second plan he fostered, and a convention was duly called at Vincennes and organized on December 20, 1802. The convention adopted a memorial which declared that the prohibition of slavery in the Territory had prevented the country from populating, and they prayed a suspension of the sixth article for a period of ten years.²⁴³ The Speaker laid the memorial before the House, on February 8, 1803, where it was referred to a committee of Messrs. Randolph, Roger Griswold of Connecticut, Robert

²⁴⁰ *Annals of Congress*, 1st Session, 6th Congress, p. 735. January 23, 1801.

²⁴¹ Quoted from Dunn's *Indiana: A Redemption from Slavery*, p. 297.

²⁴² Smith's *The St. Clair Papers*, Vol. II, p. 533. J. Edgar to Governor St. Clair, April 11, 1801.

²⁴³ Dunn's *Indiana: A Redemption from Slavery*, pp. 305, 306.

Williams of North Carolina, Lewis R. Morris of Vermont, and William Hoge of Pennsylvania.²⁴⁴

On March 2 Randolph, from the committee, reported that it was inexpedient to suspend the operation of the article in question, and accompanied the report with a dissertation on private economy and ethics which was instructive if not irritating to the memorialists.²⁴⁵ "The rapid population of the State of Ohio", reads the report, "sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region. That this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States. That the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration."²⁴⁶

The session was too far advanced to admit of debating this report, and adjournment took place before it could be brought up in Committee of the Whole House. At the next session, however, the memorial and Mr. Randolph's report were recommitted to a committee consisting of Mr. Caesar Rodney of New York, Mr. John Boyle of Kentucky, and Mr. John Rhea of Tennessee.²⁴⁷ This committee reported on February 17, 1804, recommending a suspension for ten

²⁴⁴ *Annals of Congress*, 2nd Session, 7th Congress, p. 473.

²⁴⁵ *Annals of Congress*, 2nd Session, 7th Congress, p. 613.

²⁴⁶ *Annals of Congress*, 2nd Session, 7th Congress, p. 1353.

²⁴⁷ *Annals of Congress*, 1st Session, 8th Congress, p. 779. December 15, 1803.

years of the anti-slavery article so as to permit the introduction of slaves, but further provided that the descendants of such slaves should be free at the age of twenty-five years, if males, and at the age of twenty-one years, if females.²⁴⁸ The report was referred to the Committee of the Whole House on the Monday next, but was never called up during the session; so the struggle for slavery in the Territory again failed to impress Congress.

The next step of the pro-slavery politicians in the Illinois country had already been accomplished before the Rodney committee report was made. This manoeuvre consisted in petitioning Congress to attach the western part of Indiana Territory to the new government to be established in Upper Louisiana — which the petitioners rightly judged, would not be placed under the operation of the Ordinance of 1787. This petition was presented to the House on October 26, 1803.²⁴⁹ Instead of accepting this suggestion, Congress by act of March 26, 1804, extended over Upper Louisiana the executive and legislative power vested in the Governor and Judges of the Indiana Territory.²⁵⁰

On December 5, 1804, by proclamation of Governor Harrison, Indiana Territory was finally erected into a Territory of the second grade of government. Among the first acts passed by the new legislature was one, contradictory to the Ordinance of 1787, permitting the qualified introduction of slaves into the Territory under the form of indentured servants.²⁵¹ Although this flagrant Territorial law was widely denounced as a violation of the Ordinance, yet Congress did not annul it. However, after the division of

²⁴⁸ *Annals of Congress*, 1st Session, 8th Congress, p. 1024.

²⁴⁹ *Annals of Congress*, 1st Session, 8th Congress, p. 489.

²⁵⁰ *United States Statutes at Large*, Vol. II, p. 283.

²⁵¹ *Acts of the First Session of the First General Assembly of the Territory of Indiana*, pp. 5-24.

the Territory in 1809 when the Illinois country, the seat of the most ardent advocates of slavery in the Territory, was cut off, this statute was repealed.²⁵²

The account has already been given of how the organic act of the Orleans Territory prohibited the introduction of slaves from abroad, and required that slaves introduced from other parts of the United States should be the property of actual settlers, and how the agents of the Territory (Messrs. Sauv , Derbigny and Destr han) unsuccessfully protested against this provision. At the same time, while they were protesting in Washington, a remonstrance signed by representatives elected by the freemen in the District of Louisiana was presented to Congress.²⁵³ This petition prayed both for the establishment of a separate Territory in the District and that "the free possession of our slaves" and the right of importing slaves into the Territory be granted by Congress. On January 10, 1805, it was referred to the committee already mentioned, which had under consideration the petition from the Orleans Territory and of which John Randolph was chairman.²⁵⁴ When the committee reported on January 25 it recommended that self-government be extended to both the Territory and the District, but added that "In recommending the extension of this privilege to the people of that country, it is not the intention of the committee that it should be unaccompanied by wise and salutary restrictions. Among them may be numbered a prohibition of the importation of foreign slaves, a measure equally dictated by humanity and policy".²⁵⁵ But, the bill erecting the District of Louisiana into the Territory, which was framed in the Senate and passed the House on

²⁵² *Laws of the Territory of Indiana*, p. 54.

²⁵³ *Annals of Congress*, 2nd Session, 8th Congress, p. 1608. January 4, 1805.

²⁵⁴ *Annals of Congress*, 2nd Session, 8th Congress, p. 957.

²⁵⁵ *Annals of Congress*, 2nd Session, 8th Congress, p. 1016.

the second of March, 1805, contained no provision concerning slavery.²⁵⁶

Seven years later, June 4, 1812, the act providing for the government of the Territory of Missouri, was approved.²⁵⁷ It neither prohibited slavery nor further restricted its introduction by American settlers.

In another seven years the Territory was ready for Statehood. December 18, 1818, the petition of the Territorial legislature for admission as a State into the Union was presented to the House.²⁵⁸ Two months later the matter was brought before the Committee of the Whole in the usual form of a bill. Mr. James Tallmadge of New York then precipitated the vital question by moving that the further introduction of slaves into that State be prohibited and that the issue of all slaves held in the Territory should be freed at the age of twenty-five.²⁵⁹ Quickly came the southern reply to this proposition. The admission of States could not be conditioned by Congress, argued Mr. Philip P. Barbour of Virginia, as he stated the position of the South.²⁶⁰

After a short, sharp debate the northern amendment prevailed by the slightest majority. But in the Senate the vote was reversed.²⁶¹ Then both houses insisted on their respective amendments, and the session adjourned without coming to any agreement.

In the next session the opponents to the proposed limitation on Missouri held a distinct advantage, for Maine had

²⁵⁶ *Annals of Congress*, 2nd Session, 8th Congress, pp. 69, 1215.

²⁵⁷ *United States Statutes at Large*, Vol. II, p. 743.

²⁵⁸ *Annals of Congress*, 2nd Session, 15th Congress, p. 418.

²⁵⁹ *Annals of Congress*, 2nd Session, 15th Congress, p. 1170. February 15, 1819.

²⁶⁰ *Annals of Congress*, 2nd Session, 15th Congress, p. 1185.

²⁶¹ *Annals of Congress*, 2nd Session, 15th Congress, pp. 1214, 273. February 16, 1819, February 27, 1819.

applied for admission as a State. In the Senate, the majority for slavery joined the Maine and the Missouri bills and forced upon the House the alternative of either insisting upon their Missouri limitation and delaying the admission of both States, or relinquishing their restriction and allowing the admission of the two States.²⁶² Furthermore, the Senate added to the Missouri bill a section by which Congress virtually renounced its right to forbid slavery south of the line 36° 30' in the western Territories.²⁶³ The adjournment of Congress approached with little indication of a settlement. But at last in the evening before the third of March the free soil advocates yielded to the contention of the South. The two clauses restricting slavery were stricken out.²⁶⁴

This, briefly stated, is the history of the Missouri enabling act. The debates thereon were acute and detailed, and held the attention of all the Nation, but they revealed no new attitude of Congress toward the people of the West. The treaty obligations of the United States to the inhabitants of the ceded territory of Louisiana had already been canvassed in the fight for the admission of the first State from that country, although in the Missouri debate the question centered upon the property rights of the citizens; while the Louisiana debates covered the whole range of political rights. In regard to the placing of certain conditions upon admission into the Union there was precedent for both the action and the debate. Ohio, Louisiana, Indiana, and Illinois had been admitted under certain expressed conditions, and in the case of Ohio it has been noted that some opposition appeared thereto.

²⁶² *Annals of Congress*, 1st Session, 16th Congress, p. 424. February 16, 1820.

²⁶³ *Annals of Congress*, 1st Session, 16th Congress, p. 469. March 2, 1820.

²⁶⁴ *Annals of Congress*, 1st Session, 16th Congress, p. 1586.

Missouri's insolent attitude in the proceedings was at first overlooked in Congress, although indeed John Tyler of Virginia asked what if Missouri should "sever [itself] from the union?"²⁶⁵ And a Georgia representative threatened that Missouri might throw off the yoke of attachment and laugh the Union to scorn.²⁶⁶ But when Missouri presented to Congress, in November, 1820, a constitution containing a gross infraction of the Constitution of the United States, northern members could no longer contain their disgust or anger, and it taxed the genius of Clay severely to effect a compromise.²⁶⁷

Throughout the whole debate, however, the fact is conspicuous that in the view of Congress western local interests were absorbed in the great national side of the struggle — the conflict between the slave power and slavery opponents. From the standpoint of local self-government the Southerners, indeed, stood upon the broader ground. The logic of Charles Pinckney of South Carolina appeared statesmanlike. Basing his argument upon the assumption that the rights of the original thirteen States, after the adoption of the Constitution, were absolutely equal, and that the Constitution provided that "new States may be admitted into this Union", he maintained that new States should enjoy all the rights of the original thirteen. The original States have enjoyed, he said, and still enjoy the power to forbid or allow slavery. Therefore the people of Missouri must necessarily enjoy the same power when admitted as a State.²⁶⁸

²⁶⁵ *Annals of Congress*, 1st Session, 16th Congress, p. 1394.

²⁶⁶ *Annals of Congress*, 1st Session, 16th Congress, p. 1030.

²⁶⁷ *Annals of Congress*, 2nd Session, 16th Congress, p. 440. November 16, 1820.

²⁶⁸ *Annals of Congress*, 1st Session, 16th Congress, p. 1310. February 14, 1820.

Northern argument touched upon the Westerners in justifying the prohibition of the expansion of slavery. John W. Taylor of New York for one said that he did not wish to oppress the settlers of the West by seemingly depriving them of an economic convenience. "We wish to leave them," he said, "in the full enjoyment of all their rights; we only forbid them to practice wrongs; we invite them to the territory in question, but we forbid their bringing into it a population which can not but prove its misfortune and curse; a population which, if once introduced, will fasten like an incubus upon all its energies, and from which it can never be relieved." ²⁶⁹

Anti-slavery members in Congress, who denounced slaveholding in the Territories, directed their disapproval no more toward slave owners in the West than in the South. They spoke in general, not in particular terms. Nor was it any implication against the political intelligence of the Missouri people that these members insisted upon certain conditions being placed upon their admission into the Union. The capacity of the people for self-government was by no means doubted. But their slavery inclinations were known, and to frustrate a slavery victory in Missouri, as well as in all the Territorial West, the opponents of slavery were led to oppose even local self-government in regard to this question.

III

NATIONAL DEFENSE AND FRONTIER PROTECTION

Although the Treaty of 1783 recognized the unconditional jurisdiction of the United States over all the country west of the original States and east of the Mississippi River, the new government from the beginning treated the Indian oc-

²⁶⁹ *Annals of Congress*, 2nd Session, 15th Congress, p. 1223. February 17, 1819.

cupants as sovereign nations with valid claims to the same territory. From 1778 to 1789 no less than nine treaties were made with the chief men of Indian nations, by which the tribes acknowledged themselves as under the protection of the United States and granted certain lands in exchange for presents.²⁷⁰ In the Northwest such treaties were made with the Iroquois, the Wyandot, Delaware, Chippewa, and Ottawa nations, and with the Shawnees. But there were other large and warlike tribes who resisted all proposals by the agents of Congress. With the Miami, the Kickapoo, the Pottawattamie, and the Wea tribes no treaties could be made. They were of the mind to grant no lands to the white man, and they were probably encouraged in this resistance by the commandants of the English forts still held in American territory.

The rush of emigration to the Ohio, following the settlement of Marietta in 1787, produced the inevitable result — an Indian war. The first year of Washington's administration had not passed before it was found necessary to instruct General Arthur St. Clair, Governor of the Northwest Territory, to ascertain whether the Indians of the Wabash and Illinois intended to continue their depredations on the frontier.²⁷¹ If they persisted in their warlike actions, he was instructed to call upon the militia of Virginia, Pennsylvania, and the local districts. Following out these instructions St. Clair found that all attempts for peace failed. "The English commandant is our father", said the Indians on the Maumee River.²⁷² And so, on September 26, 1790, an expedition under General Harmar set out for the Wabash.

²⁷⁰ *United States Statutes at Large*, Vol. VII, pp. 13-28.

²⁷¹ Smith's *The St. Clair Papers*, Vol. II, pp. 125-126. The President to Governor St. Clair, October 6, 1789.

²⁷² *Mr. Gamelin's Journal in American State Papers, Indian Affairs*, Vol. I, p. 94.

There were only three hundred and twenty regulars in his army, while the poorly disciplined and incompetently officered militia numbered eleven hundred men.²⁷³ Due partly to the insubordination of this militia and to the petty jealousies of its officers, the campaign resulted in failure and was soon followed by a bold and cruel Indian attack upon a remote settlement.²⁷⁴ The settlements on the Ohio became much alarmed over the Indian menace. "Unless", wrote Rufus Putnam in an appeal to Washington, "[the] Government speedily send a body of troops for our protection, we are a ruined people."²⁷⁵

The news of the increasing dangers on the frontier reached Philadelphia before Congress assembled on December 6, 1790. The President's address urgently called attention to the late aggressions and crimes of the Indians on the western settlements.²⁷⁶ Already the lives of valuable citizens have been sacrificed, said Washington. After the President had retired and the two houses separated, the Senate appointed Oliver Ellsworth chairman of the committee to draft a reply. This reply was reported and adopted four days later. While we regret, read the reply, the increase of Indian depredations which distress our north-western frontiers, we approve the intentions of the Executive to suppress the same, and we shall undertake what legislative action is necessary to secure the peace and safety of our frontier settlements.²⁷⁷

Madison, Fisher Ames of Massachusetts, and Thomas Tudor Tucker of South Carolina comprised the committee

²⁷³ *American State Papers, Indian Affairs*, Vol. I, pp. 104-106.

²⁷⁴ *American State Papers, Indian Affairs*, Vol. I, p. 121.

²⁷⁵ *American State Papers, Indian Affairs*, Vol. I, p. 122.

²⁷⁶ *Annals of Congress*, 3rd Session, 1st Congress, p. 1771.

²⁷⁷ *Annals of Congress*, 3rd Session, 1st Congress, p. 1775. December 10, 1790.

to prepare the House reply. The report of this committee was read on December 11, 1790; and concerning the western expedition against the Indians it contained the following clause: "Whilst we regret the necessity which has produced offensive hostilities against some of the Indian tribes Northwest of the Ohio, we sympathise too much with our Western brethren, not to behold with approbation the watchfulness and vigor which have been exerted by the Executive authority, for their protection; and which, we trust, will make the aggressors sensible that it is their interest to merit, by a peaceable behavior, the friendship and humanity which the United States are always ready to extend to them."²⁷⁸

The reading at this point was interrupted by Mr. James Jackson of Georgia. He was a vindictive, ill-tempered man, whom Fisher Ames described as talking so loudly in the hall of the House that the Senate in the adjoining hall were obliged to shut their windows to keep out the din.²⁷⁹ Mr. Jackson at this time observed that he well appreciated the importance of an Indian war and of protecting the defenseless frontiers of the West. He approved the measures to punish the Indians on the Ohio. But he said that as a Representative from the State of Georgia he would think himself inexcusable if he did not then protest against the address of the President because it contained no mention whatever of the recent treaty with the Creek Nation — which treaty, he said, ceded to the Indians more than three million acres of the State's lands. He would not now engross the attention of the House further but he hoped at some future time to call up the Creek Treaty.²⁸⁰ The reply was adopted with no further debate on this clause, and evi-

²⁷⁸ *Annals of Congress*, 3rd Session, 1st Congress, pp. 1835, 1838, 1844-1846.

²⁷⁹ Ames's *Works of Fisher Ames* (1854), Vol. I, p. 87.

²⁸⁰ *Annals of Congress*, 3rd Session, 1st Congress, p. 1839.

dently was highly satisfactory to the majority of both houses.

Before the session closed, the promise of the lower House to protect the frontier was fulfilled by an act adding another regiment to the small army of the United States and authorizing the President to employ the militia on such terms as he deemed expedient.²⁸¹ During this session no determined opposition to protective measures for the frontier settlers appeared. Congress, or at least the Federalist members, accepted the view held by the administration, namely, that the Indians in the Northwest were the aggressors, that they had unwarrantably murdered innocent settlers, and that the government should protect these settlers, even at the heaviest cost. To end these hostilities and open the way for a peaceful settlement of the West was one of the objects close to the heart of Washington and is revealed in his letters to Secretary Knox and Governor St. Clair.²⁸²

Too soon, however, there arose occasion for sharp criticism. Late one evening in December, 1791, the President received the first tidings of St. Clair's disastrous defeat on the Wabash.²⁸³ Thereafter the public indignation against the war increased intensely. "The news probably comes at its worst, but the truth is doubtless bad enough",

²⁸¹ *United States Statutes at Large*, Vol. I, p. 222.

²⁸² Compare Spark's *Writings of George Washington* (1858), Vol. X, pp. 119, 130, 149, 151, 196, 293, 299, 303, 308, 329. While Washington was in deep sympathy with the western frontier people yet he was well aware that Indian hostilities were sometimes caused by their encroachments. On August 19, 1792, in a letter to Henry Knox he mentions "the turbulent disposition of the settlers on the western frontier of Georgia, and their endeavours . . . to oppose the measures of the general government, and to bring on a war between the United States and the Creek nation". And again he urges "the necessity of restricting the licenses of traders, and passes to people of other descriptions, who, under various pretences, but oftentimes with bad intentions, go into the Indian villages".

²⁸³ Compare Richard Rush's *Washington in Domestic Life* (1857), pp. 557-576.

wrote Fisher Ames, a close friend of the administration.²⁸⁴

In Congress bitter attacks upon the government's activity in defending the frontiers were not long in appearing. The friends of the administration proposed a bill to increase the regular army for the purpose of more effectually protecting the western country, which was violently attacked by the anti-Federalists.²⁸⁵ The Indian war was unjustly undertaken, they said. The settlers were largely responsible for the hostilities; since they were the aggressors, not only encroaching upon the Indian lands, but frequently making depredations upon the Indians and treating them harshly. The settlers were so greedy for the best lands, said these critics, that they refused to remain on the edge of civilization, but advanced out into the Indian country and there seized the most desirable places. The Indians could never be overcome by force. Treaties should be made; and, "Instead of being ambitious to extend our boundaries, it would answer a much better national purpose to check the roving disposition of the frontier settlers, and prevent them from too suddenly extending themselves to the Western waters. If kept closer together, and more nearly connected with the old settlements, they would be more useful to the community at large, and would not so frequently involve us in unnecessary and expensive wars with the Indians; but if permitted to rove at pleasure, they will keep the nation embroiled in perpetual warfare as long as the Indians have a single acre of ground to rest upon."²⁸⁶

The friends of the administration defended the character of the pioneers. They said: "The white people, it is true, have sometimes committed depredations on the Indians;

²⁸⁴ Ames's *Works of Fisher Ames* (1854), Vol. I, p. 107. Fisher Ames to Thomas Dwight, December 9, 1791.

²⁸⁵ *Annals of Congress*, 1st Session, 2nd Congress, p. 337. January 26, 1792.

²⁸⁶ *Annals of Congress*, 1st Session, 2nd Congress, p. 338.

but the instances have been rare of their making unjust attacks upon the savages; nor did they, on these occasions, commence hostilities against them till exasperated by the strongest provocations that could possibly stimulate the human heart." They told of Indian insults, threats, murders and depredations; of the power of the twenty-three great tribes in the Northwest, and how treaties always failed to tame these savages. "We cannot, without impeachment both to our justice and our humanity, abandon our fellow-citizens on the frontier to the rage of their savage enemies. And although the excise may be somewhat unpopular, what is the excise? what is money, when put in competition with the lives of our friends and brethren?"²⁸⁷ To defend the frontier properly, they said, the militia was not enough. They lacked experience and discipline. The regular army should therefore be considerably increased.

The opposition to an increase in the army again argued that a standing army would increase internal taxation, oppress the people, and endanger the rights and liberties of the people. The burden of the protection of the frontiers they proposed to throw upon the frontier militia. Indeed, they claimed that the militia were far superior in Indian warfare to regular troops.²⁸⁸ On this point they conveniently entertained a higher opinion of the pioneers as militiamen than as settlers seeking to cultivate the West. So a plan for organizing the militia as a substitute for a standing army was strongly urged. Said Mr. Joseph McDowell of North Carolina in favor of this measure: "The militia of the frontiers, who knew the country, and whose habits of life made them perfectly acquainted with the character of the enemy whom they had to encounter, were the only

²⁸⁷ *Annals of Congress*, 1st Session, 2nd Congress, pp. 343-345.

²⁸⁸ *Annals of Congress*, 1st Session, 2nd Congress, p. 339.

proper forces to oppose the Indians, with success.”²⁸⁹ In speaking of the militia in St. Clair’s unfortunate campaign one member exclaimed, “Poor fellows, [they] died like regulars.”²⁹⁰

On the other hand it was claimed that the militia lacked order and discipline, and involved great waste and expense. “A whole brigade of regular troops”, said a Connecticut member of the House, “would not cost so much as one regiment of militia”.²⁹¹ A Pennsylvania member observed: “I have a high opinion of the backwoods rifle-men, but I am confident that we cannot certainly rely upon their turning out as often as they might be wanted”.²⁹² Mr. William Findley of Pennsylvania thought it impossible to expect the unfortunate militia at Marietta to be able to protect the whole frontier against the united force of the Indians. “Do gentlemen consider the consequences of throwing all internal defense and distant expeditions upon the militia? Is it not enough that they already stand as a piquet guard to their brethren who live at ease; that they eat their bread in the fear of their lives, and are frequently embittered with the view of mournful accidents; but that we must lay a deliberate plan for increasing the number of their fatherless children and childless parents?”²⁹³

Before the question of increasing the army for the purpose of carrying on the Indian war came to a vote in the House, Fisher Ames wrote to his friend Thomas Dwight: “I believe that the war will be pursued against the Indians; that the public will be made to see that the charges of violence and oppression on the part of the United States, the

²⁸⁹ *Annals of Congress*, 1st Session, 3rd Congress, p. 776. June 6, 1794.

²⁹⁰ *Annals of Congress*, 2nd Session, 2nd Congress, p. 795. January 5, 1793.

²⁹¹ *Annals of Congress*, 2nd Session, 2nd Congress, p. 776.

²⁹² *Annals of Congress*, 2nd Session, 2nd Congress, p. 779.

²⁹³ *Annals of Congress*, 2nd Session, 2nd Congress, p. 789.

disturbance of the Indian possession of their lands, and a hundred others, are Canterbury tales. Little of the cause, the history, the object, or the prospect of this confounded war have been known abroad. Those who knew nothing, wished to know, and of course believed, a good deal. A good deal has been offered them to believe. The foes of government have seized the occasion, a lucky one for them. The foes of the Secretary at War [General Knox] have not been idle. Even the views of the western people, whose defence has been undertaken by the government, have been unfriendly to the Secretary at War, and to the popularity of the government. They wish to be hired as volunteers, at two thirds of a dollar a day, to fight the Indians. They would drain the Treasury. They are adverse to regulars. Besides, it looks not only like taking the war out of the hands of the back settlers, but so many troops there will look as if [the] government could not be resisted, and the excise perhaps would be less trifled with. All these, and many other causes, have swelled the clamor against the war." ²⁹⁴

On February 1 the bill to increase the army for the frontier protection, passed the House by a vote of twenty-nine to nineteen.²⁹⁵ The Senate finally passed the bill in March,²⁹⁶ and thus in the end Congress sustained the administration in its policy of protecting the frontiers with a regular army as well as with the militia.

Anthony Wayne was appointed by the President in 1792 to lead the new expedition against the Indians. In 1794 this western campaign resulted in a complete defeat of the

²⁹⁴ Ames's *Works of Fisher Ames* (1854), Vol. I, p. 109. Fisher Ames to Thomas Dwight, January 13, 1792. Henry Knox, Secretary of War, defended the policy of the administration in a report, January 26, 1792.—*Annals of Congress*, 1st Session, 2nd Congress, pp. 1046-1052.

²⁹⁵ *Annals of Congress*, 1st Session, 2nd Congress, p. 355.

²⁹⁶ *Annals of Congress*, 1st Session, 2nd Congress, p. 99.

Indians, and in 1795 the conquered tribes relinquished their right to a vast territory north of the Ohio, thus establishing comparative security for the Northwest settlements.²⁹⁷

While Indian hostilities in the Northwest were being suppressed by the energetic Wayne, stories of continued trouble were coming up from the South, especially from Georgia.²⁹⁸ It is impossible within the limits of this paper to go into the details of Georgia's long controversy over Indian lands. Suffice it to say that Georgia claimed jurisdiction over the lands of the Creeks and other tribes of Indians, and was very eager to acquire full title to these lands, while the Indians were as determined to retain them. Settlements in Georgia and Tennessee approached these tribes from almost all directions, and conflicts between the two races were also here inevitable. In connection with this question of the southwest frontier which came up in several sessions some congressmen blamed the whites for inciting the troubles. Others were exasperated with the Indians and held that the pioneer people were innocent. After describing in detail how the Creeks murdered settlers without provocation, and stole their horses, Representative Thomas P. Carnes of Georgia exclaimed that he "would not give the life of one white man for those of fifty Indians." "Within the last seven years," he said, "there has not been a single instance of an Indian killed, by a white man, unless when the Indians themselves began the quarrel."²⁹⁹

In the next year, 1795, when a resolution was under consideration, proposing to provide for the conviction and punishment of persons unauthorizedly armed in "lands westward of the lines established by treaties with the Indian tribes", Representative Joseph McDowell of South Caro-

²⁹⁷ *United States Statutes at Large*, Vol. VII, p. 49.

²⁹⁸ *American State Papers, Indian Affairs*, Vol. I, p. 325 et seq.

²⁹⁹ *Annals of Congress*, 1st Session, 3rd Congress, p. 778. June 6, 1794.

lina said that daily murders were committed by the Creeks in the Southwestern Territory.³⁰⁰ And he asked: "Do the United States avenge these murders? No. Do they demand back the property carried off? No. Instead of any satisfaction to the people, their characters are abused on this floor. The frontier people know that their happiness consists in peace, and, therefore, cultivate it as much as they can."

Mr. Giles of Virginia, although he opposed an increase of the army, nevertheless on this occasion said that he disliked "the harsh style assumed by some gentlemen in speaking of the frontier settlers. An hundred years hence these people would preponderate over this part of the Continent." While he represented an Atlantic State he would at the same time, avoid anything that might offend the western people. "The first settlers in this country", he continued, "were, when they first landed, frontier settlers." For his own part, he believed that the war between the whites and the Indians would be eternal.³⁰¹ Mr. Jeremiah Wadsworth of Connecticut added that he believed the settlers on the Atlantic coast to have been neither better nor worse than the present western settlers who were in the same situation. Mr. Scott of Pennsylvania denounced the resolution as tyrannical. When the savages have carried off a man's wife and children must he be denied the liberty of pursuing them, he asked. The frontier people of Georgia, lamented Abraham Baldwin (a Representative of that State), have been left to protect themselves. Their calls for protection on a very extensive and turbulent frontier were always repelled with reproaches.³⁰²

³⁰⁰ *Annals of Congress*, 2nd Session, 3rd Congress, p. 1265. February 28, 1795.

³⁰¹ *Annals of Congress*, 2nd Session, 3rd Congress, p. 1265.

³⁰² *Annals of Congress*, 3rd Session, 5th Congress, p. 2550.

What were the accusations against the settlers? There was a general impression in the East, and it was echoed in Congress, that Indian depredations were largely provoked by the encroachments of the settlers themselves. Some took a sentimental view of the Indian question and blamed the settlers entirely. Their conception of the pioneers was dark. According to their view the Westerners were greedy for land and seized desirable tracts whether or not the Indian title was extinguished. They believed all the stories told that the pioneers abused the Indians, selling them poor whiskey, and cheating them in trade, and that they drove the game out of the forests, and chased the Indians with dogs.³⁰³

Criticism of the pioneers, in Congress, was not confined to the enemies of frontier protection. For instance, Secretary Knox, in a report which was communicated to the Senate in December, 1793, told of the murders of Cherokee Indians on the Tennessee River, and added: "This violent outrage, so disgraceful to the United States, has been followed by several others, and the Southwestern territory is involved in a war with the Cherokees; which, as it relates to the above event, must be considered as highly unjust. . . . From the prejudice against the Indians on the frontiers, it is but too probable that the perpetrators of these violences will escape unpunished."³⁰⁴

Mr. Ames who advocated an increase in the army said that to turn loose a frontier militia to guard the Southwest was an act of slaughter and of desolation. It was to make a potter's field a hundred thousand miles in extent! It was

³⁰³ It is to be noted that while people of the Atlantic States hotly repudiated such slanderous accounts as the review, appearing in the London *Quarterly Review*, January, 1814, of Inchiquen's *Favourable View of the United States*, yet often they considered western pioneers in the same manner as this article pictures all of the Americans.

³⁰⁴ *American State Papers, Indian Affairs*, Vol. I, p. 363.

a system to extirpate the Indians. The militia were not the people to prevent those kind of injuries against the Indians which were the cause of hostilities.³⁰⁵ "When an exasperated militia went out, what were we to expect, but that the first man with a red skin whom they met would be shot?" Mr. Harper, a Representative of South Carolina, denied that the Indians ever committed any murders without previous provocation. "The process is shortly this: An Indian crosses the line and steals a horse. And as long as Indians exist they will always steal horses. The man to whom the horse belonged collects as many of his neighbors as he thinks sufficient, pursues the Indian, and, not contented with recovering his horse, he kills the thief. The Indians who have no such sacred ideas of property, immediately come over the line, and in revenge murder a number of innocent people. Indian murders are not unprovoked. They are not of that stamp."³⁰⁶ Mr. Harper said that he was personally acquainted with the frontiers. He had "a high respect for the inhabitants, there were many very worthy people among them, but likewise many others of a very different kind." Mr. W. V. Murray of Maryland applied the term "semi-savages" to some of the frontier people; confining, as he explained, "the import of this expression exclusively to those upon the frontier who lead an unstationary life — who press forward into the deeper wilderness, by the new waves of advancing population, and live the life of savages without their virtues."³⁰⁷

Mr. Peleg Wadsworth of Massachusetts remarked that there had not been one instance of a white man condemned

³⁰⁵ *Annals of Congress*, 2nd Session, 3rd Congress, p. 1075. January 12, 1795.

³⁰⁶ *Annals of Congress*, 2nd Session, 3rd Congress, p. 1268. February 28, 1795.

³⁰⁷ *Annals of Congress*, 2nd Session, 3rd Congress, p. 1266.

and hanged by white men, on the frontier, for the murder of an Indian since the first landing in America. He had been told by judges, upon the frontier, that "it was no matter what evidence of a murder of an Indian, was brought into court. No jury would bring the criminal in guilty." It was but very lately, said Mr. Wadsworth, that a cool and unprovoked murder of an Indian had been committed near the borders of Pennsylvania. The evidence was clear. Nobody pretended to doubt it. The judge gave an earnest charge to the jury; but all to no purpose: they found "not guilty".³⁰⁸

It is to be noted that these accusations were as a rule directed at a specific element in the frontier population and were not intended by the authors to impeach the character of all on the frontier. But, as the transgressions of a few inhabitants may bring reproach upon a whole neighborhood, so the fact that even a very small part of the western people could be harshly criticised for their treatment of the Indians led eastern opinion to broadly class all of them as rascals seeking every means to torment the Indians. It must be said, however, that the sympathies of the House often overlooked full justice to the Indians. In February, 1795, a Senate bill to prevent depredations on the Indians south of the river Ohio was rejected by the House.³⁰⁹ In that year also a large part of the military establishment which had previously been provided to carry on the war in the Northwest was authorized to be continued, with the main purpose of protecting the frontier.³¹⁰

The rise of the Republican party was followed, in 1802, by a reduction in the army.³¹¹ Indian hostilities both in the Northwest and in the Southwest still required consider-

³⁰⁸ *Annals of Congress*, 2nd Session, 3rd Congress, p. 1254.

³⁰⁹ *Annals of Congress*, 2nd Session, 3rd Congress, p. 1256.

³¹⁰ *United States Statutes at Large*, Vol. I, pp. 430, 438.

³¹¹ *United States Statutes at Large*, Vol. II, p. 132.

able force to police the frontier. Before Jefferson's administration came to a close the leaders among the Republicans proposed an increase. This was in 1808. Besides the dispute with England, other causes — affecting the West — were urged as reasons for such an increase. One member of the House insinuated that the West was not entirely free from treason. He said: "We know the situation of the Western country, and very lately a rebellion has been attempted under Aaron Burr. If he had not been arrested as he was in his career, his project might certainly have led to the establishment of a separate government at New Orleans. I apprehend as much danger from Aaron Burr at this time as at any time since he first determined on the attempt."³¹²

Mr. John Rowan of Kentucky thought it was important that there should be a force established at New Orleans for awhile. "It is the key to the whole Western country. Men may talk of patriotism; but it must be known, that any Power which possesses the mouth of the Mississippi river, will possess the whole Western country. The *amor patriae* will do very well in theory; but in practice it often yields to private interest. The people in that country are much disaffected; their habits are not American or Republican, but lead them to favor monarchical Governments. In addition to this they have various causes of discontent."³¹³ Mr. Desha of Kentucky held similar views concerning the monarchical tendencies of the New Orleans people.

To these indictments Daniel Clark, Delegate from the Orleans Territory, replied that he hoped the gentlemen spoke more from report than from their own knowledge of the country. Was there ever an instance when the people showed a spirit unfavorable to the United States? "When

³¹² *Annals of Congress*, 1st Session, 10th Congress, p. 1517. January 26, 1808.

³¹³ *Annals of Congress*, 1st Session, 10th Congress, p. 1518.

the possession of the Territory was transferred to the United States, the people knew and prized the benefits which they would enjoy by an exchange." Since that time have not the militia volunteered their services against the Spanish forces? And did they not prepare to repel the conspirators of 1806?³¹⁴

In opposition to the bill to increase the army, it was again urged that greater dependence should be placed on the militia. "Against the inroads of the savages, it is upon the militia of Kentucky, Tennessee, and Ohio, that you must rely, and not upon men picked up in the streets, recruited in ale-houses, and disciplined on the next common", said John Randolph.³¹⁵ On the other hand, Mr. William Findley of Pennsylvania denounced the western militia as incompetent and unable to guard the country.³¹⁶ In this lengthy debate much was said both for and against the militia; and on the whole it was merely a repetition of the arguments advanced in 1792. The bill increasing the army to ten thousand men passed both houses by a large majority in each vote.³¹⁷

This was not the last debate upon the efficiency of the militia, and hereafter few opportunities to sound their praise were lost. President Madison in communicating to Congress the letters of Governor Harrison concerning his expedition against the Indians on the Wabash in 1811 wrote: "Congress will see, with satisfaction, the dauntless spirit and fortitude victoriously displayed by every description of the troops engaged. . . . The families of those brave and patriotic citizens who have fallen in this severe conflict, will, doubtless, engage the favorable attention of

³¹⁴ *Annals of Congress*, 1st Session, 10th Congress, p. 1521.

³¹⁵ *Annals of Congress*, 1st Session, 10th Congress, p. 1910.

³¹⁶ *Annals of Congress*, 1st Session, 10th Congress, p. 1882.

³¹⁷ *United States Statutes at Large*, Vol. II, p. 481.

Congress.”³¹⁸ The prowess of these frontier volunteers furnished the subject for many encomiums by members in both the Senate and the House. They are “the shield of the nation”, said one member; and, “inhale the holy flame of patriotism”, said another.³¹⁹

The President’s annual message, November 4, 1812, contained a eulogy of the volunteers from the Territory of Michigan who were present at the Detroit affair;³²⁰ and again his message in the following year contained a warm commendation of the militia in the North, under Major General Harrison, and of the Kentucky and Tennessee volunteers under the gallant command of Major General Andrew Jackson, “an officer equally distinguished for his patriotism and his military talents.”³²¹ And the message in September, 1814, again commended “the bold and skilful operations of Major General Jackson”, who, conducting the militia from Tennessee, subdued the principal hostile tribes of savages in the Southwest.³²²

It was immediately following the battle of New Orleans that Congress passed several resolutions, one of which expressed the high sense entertained by Congress of the patriotism and good conduct of the people of Louisiana and of New Orleans. Another expressed the thanks of Congress to Major General Jackson and the troops under his command for their “gallantry and good conduct, conspicuously displayed against the enemy”. The greater portion of these troops, continued the resolution, consisted of militia

³¹⁸ *Annals of Congress*, 1st Session, 12th Congress, p. 85. December 19, 1811.

³¹⁹ *Annals of Congress*, 1st Session, 12th Congress, pp. 731, 729.

³²⁰ *Annals of Congress*, 2nd Session, 12th Congress, p. 11. November 4, 1812.

³²¹ *Annals of Congress*, 2nd Session, 13th Congress, p. 540. December 7, 1813.

³²² *Annals of Congress*, 3rd Session, 13th Congress, p. 13. September 20, 1814.

and volunteers, suddenly collected together in the West.³²³

The adoption of these encomiums gave opportunity for some eloquence in Congress upon the pioneer character. Senator James Brown of Louisiana delivered in a long speech the following sentiments:—"The citizens of Kentucky, since the commencement of our present struggle, have obtained a character so elevated for patriotism and devotion to the best interests of their country, that it can receive no additional lustre from any expressions I can employ. The State of Tennessee has exalted claims to the approbation of the nation. To that State we are indebted for the safety of our country when threatened by our savage neighbors, and the part which her citizens have acted on the late ever memorable occasion, will afford to their latest posterity a rich repast in the page of impartial history. One-third of the militia of this State . . . cheerfully left their friends and their families and flew to the assistance of Louisiana. Generous people! on behalf of those you have succored in the hour of peril, I thank you — from my heart I thank you!"³²⁴

The junior Senator from Louisiana, Elijius Fromentin, was no less appreciative of the commander of these troops. He said:—"Mr. President, we have often been called upon, since the beginning of this war, to give thanks to the intrepidity of our military leaders, and the undaunted bravery of their troops. We have just now, by a unanimous vote, awarded the same tribute to Jackson and to his followers. To Jackson — this name henceforth wants none of the meretricious epithets of courtesy — to Jackson, whose laurels on the ever memorable 8th of January will adorn the fairest page of American military history:— to Jackson,

³²³ *Annals of Congress*, 3rd Session, 13th Congress, p. 1966. February 22 and 27, 1815.

³²⁴ *Annals of Congress*, 3rd Session, 13th Congress, p. 240.

whose unheard of achievements, having no precedents in the past, seem to bid defiance to the future. Through this beloved General we gave [give] the same unanimous thanks to his followers.”³²⁵

When the resolutions which were first adopted in the Senate came up in the House the flourish of bombast was again in evidence. Said Mr. Thomas Bolling Robertson of Louisiana: “Hasty levies of half-armed undisciplined militia, from the interior of our vast continent, from the banks of the Tennessee, the Cumberland, and the Ohio, traversing wide and trackless regions, precipitate themselves to the scene of conflict, resolute to defend their brethren from the dangers with which they are menaced. There the hardy sons of the West, with the yeomanry of the adjacent territory and the invaded State, with a handful of regulars and a few armed vessels, constituted that force from which the tremendous armament of our enemy was to experience the most signal overthrow the world has ever witnessed. But Jackson was their leader”³²⁶

Mr. George M. Troup of Georgia said that “he congratulated the House on the return of peace . . . on the glorious termination of the most glorious war ever waged by any people. To the glory of it General Jackson and his gallant army have contributed not a little. I cannot, sir, perhaps language cannot, do justice to the merits of General Jackson, and the troops under his command It is a fit subject for the genius of Homer. . . . The disparity of the loss, the inequality of force, the difference in the character of the force, all combine to render the battle of the eighth of January at once the most brilliant and extraordinary of modern times. Nothing can account for it

³²⁵ *Annals of Congress*, 3rd Session, 13th Congress, p. 241.

³²⁶ *Annals of Congress*, 3rd Session, 13th Congress, p. 1157.

but the rare merits of the commanding General, and the rare patriotism and military ardor of the troops under his command.”³²⁷

While these resolutions were adopted by a unanimous vote, the expressions of enthusiasm came almost entirely from western members. But compared with the newspaper accounts and similar resolutions adopted by State legislatures throughout the Nation the outbursts of oratory upon this occasion in Congress would seem by no means out of place.³²⁸ However, they were undoubtedly tiring to the silent members of the New England delegation, the majority of whom were not in sympathy with the new spirit of nationalism so strongly displayed in the West.

The rising genius of the West could not brook the conservatism of New England. The West possessed an optimism which accepted the constitutional government without weighing the scruples of State Rights. Their loyalty and enthusiasm for the Union was seldom tainted by Hartford Conventions or reluctant militias.

As great as the Westerner's love for the Union were his expectations in the material growth of the West. Pioneer imagination saw the Indians pacified; erected populous and prosperous cities in the midst of dry deserts; built bridges over swamps and streams, steamships on rivers, and roads and canals over endless prairies. Such a spirit could tolerate no opposition from either Indian foes or natural obstructions. If there were rapids in a navigable river, they should be blasted away. If Indians persisted in stealing horses or refused to cede their lands — they should be sum-

³²⁷ *Annals of Congress*, 3rd Session, 13th Congress, p. 1156.

³²⁸ For instance, *Niles' Register*, Vol. XVI, p. 25. The State legislatures of New York and Pennsylvania adopted profuse resolutions of approbation. Compare James Parton's *Life of Andrew Jackson*, Vol. II, "A Chapter of Glory", p. 557.

marily punished. The frontiersmen have never been given to consulting precedents, nor to carefully weighing abstract justice. To them the end was often greater than the means, and mere success too often was their ideal.

One unique instance of an attempt in Congress to reprove this western spirit closes the first chapter on Frontier Protection. On February 24, 1819, a select committee in the Senate, to whom were referred the documents concerning the Seminole Indian War, made their report.³²⁹ It was a sharp criticism of the conduct of General Jackson on four grounds: First, for organizing the Tennessee militia without applying to the Governor of Tennessee, as he had been distinctly ordered to do by the War Department; second, for extreme cruelty to Indian prisoners; third, for the arbitrary trial and execution of Arbuthnot and Ambrister; and fourth, for crossing into the Spanish territory of Florida and reducing Spanish garrisons without instructions from the War Department. Almost a month before this report was made in the Senate the Military Committee in the House had made a report on the same question through Mr. Thomas M. Nelson, chairman of the committee. This committee recommended that the House resolve to disapprove the trial and execution of Arbuthnot and Ambrister.³³⁰

Mr. Richard M. Johnson of Kentucky, also of the Military Committee, submitted a minority report. In this report he recited how the lives of peaceful citizens on the Georgia frontier had, for years, been jeopardized through murders by Indians and negroes, which were instigated by foreign traders and adventurers. When pursued for punishment

³²⁹ *Annals of Congress*, 2nd Session, 15th Congress, p. 256. The Committee consisted of Senators Abner Loeck of Pennsylvania, Chr., John Henry Eaton of Tennessee, John Forsyth of Georgia, Rufus King of New York, and James Burrill of Rhode Island.

³³⁰ *Annals of Congress*, 2nd Session, 15th Congress, p. 516. January 12, 1819.

these desperate characters had been accustomed to seek protection across the Spanish line in Florida. But at last, in the Seminole War, General Jackson defeated and routed these Indians and negroes, who fled before him into the Spanish territory. Determined to completely stamp out these banditti Jackson had crossed the boundary line, completely subdues the savages and fugitive slaves near the forts of the Spanish, and punished two English instigators of notorious memory. "Thus gloriously terminated the Seminole war," read the report, "a war reluctantly entered into, but urged by dire necessity, to protect from the tomahawk and scalping-knife of the most ruthless savages our peaceful frontier settlers . . . a war in which our citizens and soldiers, with their usual fortitude and valor under their persevering and determined commander, endured long and difficult marches, submitted to painful privations, subdued a brave and merciless enemy, without suffering one defeat, or betraying a solitary mark of dismay to tarnish the lustre of their country's glory."³³¹

Thus eagerly did the minority report support the conduct of General Jackson. His friends in the House took up the

³³¹ *Annals of Congress*, 2nd Session, 15th Congress, p. 521. The sentiment of this minority report was also expressed by hundreds of newspapers. The *Franklin Gazette* on January 9, 1819, printed an article from the *American Watchman* reading: "From the commencement of the *Seminole War* until its termination, the movements of Gen. Jackson have been invidiously watched, step by step, and followed by a clamour which accumulated in weight and bitterness with every foot of his progress. . . . To us, there is no character so vile, so wantonly wicked, as the cool base stimulator of an Indian war, the greatest scourge that can befall humanity. General Jackson found in the town of Francis *fifty fresh scalps* of women and children! It was to deeds like these, that those incendiaries prompted the Indians whom they had deluded by their arts. And is it to be supposed, when the fortune of war had placed these men alive in the power of General Jackson, that he would permit them to escape the punishment their crimes so richly deserved? In the name of justice and humanity, we thank Genral Jackson that he did not, and that he has been the first to punish as it deserves a crime against society, for which we know no appellation sufficiently expressive of its enormity."

issue immediately. A few speeches were made to apologize for his conduct. His execution of the Englishmen was called "a wrong mode of doing the right thing." Other speeches, however, boldly applauded the affair. A great number of these were made by western members. Andrew Jackson was their idol. He typified the new spirit in American politics — the West. He represented the rapidly developing pioneer districts in their realization of their power in national affairs. This rising West was indeed a little arrogant, a little uncouth, a little contemptuous of precedent, of course; but it was nevertheless successful. It was domineering and over-persistent, because it was a conqueror of nature.

Henry Clay, the Speaker of the House, was like Jackson a western man; and he was also like Jackson in that he was fully capable of bringing things to pass, as his diplomatic mission to Europe had indicated. But he differed from Jackson in being many degrees refined from such frontier brusqueness. Clay represented the conservative West.

On the second day of the debate Clay spoke.³³² He denied that the report of the Military Committee cast censure on General Jackson, save what was merely consequential. Indeed, his name did not appear in any of the resolutions. Every one, said Clay, must regret the late Indian war. He feared, however, that its origin could be traced to the treaty at Fort Jackson, of August, 1814. This treaty was humiliating to the Indians: it was full of arbitrary demands by the United States government, one of which was the surrender of all Indian prophets to the United States. Who would not revolt at such despotism?

The war was furthermore instigated by the border set-

³³² *Annals of Congress*, 2nd Session, 15th Congress, pp. 631-655. January 20, 1819. On the morning that Clay spoke the rules for the admission of persons within the hall of the House were suspended.

tlers, said Clay. He read evidence to show that these people had carried off the cattle of the Indians and killed those who would interfere. In the conduct of the war, also, General Jackson was dishonorable. He ensnared Indian chiefs by deception and hung them. Seldom before in our history had such retaliations occurred. No Kentuckian, Mr. Clay was glad to say, would stain his hands with such enormities. Vengeance was its motive.

Then in the execution of Arbuthnot and Ambrister, Jackson ignored the law of nations. A foreigner who connects himself with a belligerent becomes an enemy, subject to whatever the enemy is subject and entitled to what rights the enemy is entitled. Not only was perpetrated this outrage to international law, but Jackson had altered the verdict of his *own* court martial! And the crossing the Spanish boundary line — which event closely followed — was without orders and unnecessary.

There are two topics, continued Clay, which in Europe are constantly employed by the friends and minions of monarchy against our country. The one is an inordinate spirit of aggrandizement. The other is the treatment which we extend to the Indians. Against both these charges the negotiators at Ghent³³³ endeavored to vindicate our country, and he hoped with some degree of success. But what the condition of future negotiators would be upon this head he knew not, after the unhappy executions upon our Southern border.

We are fighting, said Mr. Clay, a great moral battle for the benefit, not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion, with hope,

³³³ Henry Clay was one of the ministers who negotiated the Treaty of Ghent, December 24, 1814.

with confidence, and with affection. Do you expect to uphold democracy by trampling, or suffering to be trampled down law, justice, the Constitution, and the rights of other people? By exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism in Europe heard of the Seminole War how they did laugh and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country.

He hoped the gentlemen would deliberately survey the awful import of the case. They might bear down all wise counsel; they might vote the General the public thanks; they might carry him triumphantly through the House. "But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination — a triumph of the military over the civil authority — a triumph over the powers of this House — a triumph over the Constitution of the land."

Such a stinging rebuke called forth most vehement replies. Three weeks of debate followed, full of speeches defending the conduct of the war by the friends of General Jackson and the friends of the western idea of doing things. It was said that the Indian nature was such as to ever be a thorn in the flesh of border civilization, and that the Seminole Indians had continually harassed and exasperated the settlers. That was all very true, as also was the fact that the settlers had exasperated the Indians. It was said that Arbuthnot and Ambrister were notorious villains who instigated the Indians to all manner of atrocities and whose death was a great blessing to the country. This also was true. And it was said that since Spanish authorities in Florida harbored marauding Indians the Seminole campaign would have been weakly incomplete if legal scruples

had not been cast aside and the boundary line crossed. It was a question of expediency opposed to abstract rights.

Jackson's friends won. The resolution to disapprove of the trial and execution of Arbuthnot was voted down by a ballot of sixty-two to one hundred and eight. The same resolution in reference to Ambrister was also disagreed to.³³⁴ And thereby the honor of General Jackson was vindicated, and the House placed its stamp of approval upon the decisive character of western pioneers as represented in that General. The Senate took no action upon the report made by its select committee.

IV

INTERNAL IMPROVEMENTS IN THE WEST

It is not the purpose of the writer to discuss in this chapter the rise and growth of the public policy of internal improvements, nor its purely political and constitutional aspects. But in a study of the peculiar relationship between the legislature of the United States and the frontier sections of this country the question of internal improvements appears for many years with a certain bearing upon the western development which cannot be overlooked.

As early as 1785 the Continental Congress passed an ordinance reserving in the western lands for sale a section in every township for the maintenance of public schools.³³⁵ Again in 1787 Congress, in the "Powers to the Board of Treasury to Contract for the Sale of the Western Territory", ordered that two townships might be given to the pioneer Territory on the Ohio for the purpose of a univer-

³³⁴ *Annals of Congress*, 2nd Session, 15th Congress, p. 1135. February 8, 1819.

³³⁵ *Journals of the American Congress, from 1774 to 1788* (1823), Vol. IV, p. 521.

sity.³³⁶ These grants of lands, being a part of the broad educational program of Nathan Dane, Jefferson, Washington, and Madison, were voted with no thought of the material aggrandizement of the Northwest. The sacredness of the trust vested in Congress by the States in ceding their lands was deeply felt; and these lands were to be disposed of to the mutual benefit of all the States. But against the application of certain portions of it to the fostering of schools which would be of direct service only to the Northwest there appeared little opposition, either in the Congress of the Confederation or throughout the States.

The story of Ohio's admission into the Union has already been told. Jefferson's Secretary of the Treasury, Albert Gallatin, was the author of the third article of the compact between the new State and the general government. Gallatin suggested that ten per cent of the sales of public lands in the State be appropriated by the Federal government for the laying out of public roads from the navigable rivers, emptying into the Atlantic, to the Ohio River, and to and through the State of Ohio. In the Senate the ten per cent fund was reduced to five per cent by an almost equal vote. No persistent objection, however, was opposed to granting this fund, since probably in accepting this grant the State was to pledge itself not to tax public lands until five years after their sale.³³⁷

By a subsequent act the Secretary of the Treasury was directed to place, quarterly, three-fifths of the five per cent fund at the disposal of the State legislature for the building of roads within the State.³³⁸ In 1805 the remaining two-fifths of the fund had accumulated to the amount of

³³⁶ *Journals of the American Congress, from 1774 to 1788*, Vol. IV, Appendix, p. 17.

³³⁷ *Annals of Congress*, 1st Session, 7th Congress, p. 294. April 27, 1802.

³³⁸ *United States Statutes at Large*, Vol. II, p. 225.

twelve thousand dollars.³³⁹ A bill to appropriate this fund in the construction of the Cumberland Road was presented in the Senate and passed. It met but faint opposition in the House and was passed on March 24, 1806.³⁴⁰

President Jefferson's message when Congress assembled again in December contained traces of his ambitious vision of national development.³⁴¹ He mentioned the successful termination of the Lewis and Clark expedition on the Missouri, and Lieutenant Pike's explorations on the Mississippi, and suggested the need of further exploring. He hoped that there would be an early settlement of the most exposed and vulnerable parts of the country. He urged the making of new channels of communication between the States, and recommended that surpluses in the Federal treasury be applied to the great purposes of public education, roads, rivers, and canals.

In the following March the Senate called upon the Secretary of the Treasury to prepare a report concerning means in the power of Congress to open roads and make canals.³⁴² In his report, which was communicated to the Senate, April 6, 1808, Gallatin outlined Jefferson's scheme of internal development of navigation and roadways, requiring an expenditure of some twenty million dollars.³⁴³ Among other features a system of communication between the headwaters of the rivers flowing into the Atlantic, with the rivers flowing westward was outlined. It was proposed thus to connect the Susquehannah, the Potomac, the James, and the Savannah rivers, with the Alleghany, the Monongahela, the Kanhawa, and the Tennessee.

³³⁹ *Annals of Congress*, 1st Session, 9th Congress, p. 22.

³⁴⁰ *Annals of Congress*, 1st Session, 9th Congress, pp. 43, 200, 840.

³⁴¹ *Annals of Congress*, 2nd Session, 9th Congress, p. 14. December 2, 1806.

³⁴² *Annals of Congress*, 2nd Session, 9th Congress, p. 97. March 2, 1807.

³⁴³ *American State Papers, Miscellaneous*, Vol. I, pp. 724-741.

From such a policy of internal improvement sectional jealousies and embarrassments were sure to arise, and Gallatin met the situation frankly. He admitted that to open these four routes between the West and the East, while it would be of great value to the western and middle Atlantic States, would not benefit directly the northern and the southern Atlantic States. Great streams of commerce would pass through the Middle States to the West and never touch New England or the South. Since the expense must be defrayed from the Federal funds, said Gallatin, justice, and policy no less than justice, would require the undertaking of many *local* improvements in those States not directly interested in these inland communications.

Gallatin further stated that, excluding Louisiana, the Government possessed in trust for the people of the United States, about one hundred millions of acres, fit for cultivation, north of the river Ohio, and nearly fifty millions south of the State of Tennessee. "For the disposition of these lands", he continued, "a plan has been adopted, calculated to enable every industrious citizen to become a freeholder to obtain a national revenue, and, above all, to suppress monopoly. Its success has surpassed that of every former attempt, and exceeded the expectations of its authors. . . . It is believed that nothing could be more gratifying to the purchasers, and to the inhabitants of the Western States generally, or better calculated to remove popular objections than the application of the proceeds of the sales to improvements conferring general advantages on the nation, and an immediate benefit on the purchasers and inhabitants themselves. It may be added, that the United States, considered merely as owners of the soil, are also deeply interested in the opening of those communications which must necessarily enhance the value of

their property. Thus the opening an inland navigation from tide water to the great lakes, would immediately give to the great body of lands bordering on those lakes as great value as if they were situated at the distance of one hundred miles by land from the seacoast. And if the proceeds of the first ten millions of acres which may be sold were applied to such improvements, the United States would be amply repaid in the sale of the other ninety millions.”³⁴⁴

Gallatin was well qualified to inform the Senate upon the needs of internal improvements in the West. Added to his opportunity as Secretary of the Treasury to gain detailed information were many years of actual experience with lands in the West.³⁴⁵ On this score it has already been seen that Gallatin was criticised by Federalists as having ulterior motives in urging measures for benefiting the West. It was well known that while yet a youth he had wandered as a surveyor up and down the Ohio, through Western Virginia and Pennsylvania. And upon receiving an inheritance of some \$25,000 from France, he had invested all in land, the greater part of which he still held. Gallatin, indeed, entered into enterprises in the western country with all his native *esprit*; unlike other foreign born lawyers and financiers of his day he had established his residence upon a western river, and stood out among his associates, Jefferson, Madison, Monroe and John Quincy Adams, as a distinctly western man. In one phase of his life Gallatin was indeed a pioneer.

Communication between the East and the West was arduous and expensive. Three cities on the Atlantic coast rivaled each other for control of the westward trade. They were New York, Philadelphia, and Baltimore, and each corresponded to a route toward the West. From New York,

³⁴⁴ *American State Papers, Miscellaneous*, Vol. I, p. 741.

³⁴⁵ Adams's *Life of Albert Gallatin*, pp. 25, 45-75.

the Hudson, Mohawk, and Oswego rivers already served as a passage for some little commerce to the lake region. But this was limited. During low water season the Mohawk could scarcely float boats laden with three or four tons.³⁴⁶ In 1796 it cost seventy-five dollars to transport a hogshhead of rum from New York City to Detroit.³⁴⁷ This charge was at the time considered low when compared to the cost of delivering the same article from Philadelphia overland to Pittsburg, which in this case amounted to \$187.50. Even as late as 1817 the land carriage from Philadelphia to this frontier town was as high as one hundred and twenty dollars to two hundred dollars per ton.³⁴⁸

Pittsburg was the chief outfitting station in the western country. Several turnpikes were in time built to it across the State of Pennsylvania, and large amounts of goods were freighted there by wagon to supply the needs of immigrants. But the cost of transportation was too great to permit of eastward shipments of wheat and corn. Of the three chartered turnpikes from Baltimore, none in the year 1808 extended further west than the town of Carlisle in Pennsylvania.³⁴⁹ The Baltimore and Fredericktown Turnpike Road was planned to reach Cumberland in Maryland, and twenty miles of it were already constructed. The toll for every ten miles was twenty-five cents for a wagon and two horses, thirty-seven and a half cents for a wagon and four horses, and twenty-five cents for a score of cattle. Beyond the Alleghanies there were few roads, and they were straggling and rough — mere pathways in the wilderness and prairies.

In the same session (1806), when the first Cumberland

³⁴⁶ See extract from Christian Schultz's *Travels* in Munsell's *Annals of Albany*, Vol. V, p. 244.

³⁴⁷ Munsell's *Annals of Albany*, Vol. III, p. 137.

³⁴⁸ Birkbeck's *Notes on a Journey in America*, p. 165.

³⁴⁹ *American State Papers, Miscellaneous*, Vol. I, p. 900.

appropriation was voted out of the five per cent fund of Ohio, another appropriation of some eighteen thousand dollars was made to construct a road from the frontier of Georgia to New Orleans, and to construct two other roads in the western country.³⁵⁰ Three sessions later an appropriation of twenty-five thousand dollars was voted to complete the canal of Carondelet in Louisiana.³⁵¹ These measures were avowedly for military purposes, the last mentioned was included in an act entitled "to complete fortifications", and provided that the canal from Lake Ponchartrain to New Orleans be made "sufficiently deep throughout to admit an easy and safe passage to gunboats." Yet no one claimed that the canal, once deepened at Federal expense, should not be used by commerce or that the military roads on the frontier should not be highways for the pioneers.

Far from this, many members were boldly demanding internal improvements not under the guise of military equipments nor post roads but frankly for the purpose of commerce and intercourse. To this growing impetus the West, of course, contributed her strength. In February, 1810, Congress voted another appropriation out of the five per cent fund toward constructing the Cumberland Road.³⁵²

In the same month Mr. Peter B. Porter, a Representative from western New York, made a strong plea for the West.³⁵³

³⁵⁰ *United States Statutes at Large*, Vol. II, p. 396. April 21, 1806.

³⁵¹ *United States Statutes at Large*, Vol. II, p. 516. February 10, 1809.

³⁵² *United States Statutes at Large*, Vol. II, p. 555. February 14, 1810.

³⁵³ *Annals of Congress*, 2nd Session, 11th Congress, pp. 1385-1401. February 8, 1810.

Peter B. Porter is a type of the educated eastern man in the West. After graduating from Yale and studying law in Litchfield he came to western New York. Here he was engaged in a transportation enterprise which enjoyed the monopoly of carrying goods from Lake Ontario around Niagara Falls. He served in Congress from western New York in 1809-1813 and 1815-1816, and was chairman of the Committee on Foreign Relations which reported resolutions for the immediate preparation for war. In 1813 he was appointed Major-

The people of the United States, he said, are divided into two geographical sections — those who live on the Atlantic side of the Alleghany Mountains and are chiefly merchants, manufacturers and agriculturists, and those who live on the west side of the mountains and are exclusively agriculturists. Ultimate disunion of the Republic has been prophesied because of this great geographical expanse and diversity of interests. But Mr. Porter maintained that this very diversity, if skillfully managed, would be the means of producing a closer union of the States. For the West needed the manufactured goods of the East and the merchants of the East could in time use the produce of western lands. “The great evil under which the inhabitants of the Western country labor, arises from the want of a market. There is no place where the great staple articles for the use of civilized life can be produced in greater abundance or with greater ease. And yet, as respects most of the luxuries and many of the conveniences of life, the people are poor. They have no vent for their produce at home; because, being all agriculturists, they produce alike the same articles with the same facility; and such is the present difficulty and expense of transporting their produce to an Atlantic port, that little benefits are realized from that quarter. The single circumstance, of the want of a market, is already beginning to produce the most disastrous effects, not only on the industry but upon the morals of the inhabitants. Such is the fertility of their lands, that one half of their time spent in labor is sufficient to produce every article, which their farms are capable of yielding in sufficient quantities, for their own consumption, and there is nothing to incite them to produce more. They are, therefore, nat-

General, and commanded the New York State troops. He was a commissioner under the Treaty of Ghent and in 1828 was appointed Secretary of War in the cabinet of John Quincy Adams.

urally led to spend the other part of their time in idleness and dissipation. Their increase in numbers, and the ease with which children are brought up and fed, far from encouraging them to become manufacturers for themselves, put at a great distance the time when, quitting the freedom and independence of masters of the soil, they will submit to the labor and confinement of manufacturers. This, sir, is the true situation of the western agriculturist. It becomes then an object of national importance . . . to inquire whether the evils incident to this state of things may not be removed, by opening a great navigable canal from the Atlantic to the Western States”.

Mr. Porter then described the great natural obstruction — the Alleghanies — and discussed the best means whereby the West and the East might be connected. He urged the building of a canal in the Mohawk valley. He reiterated the argument used by Gallatin to prove how the land sales and thereby the revenue of the United States might be increased by the judicious expenditure of money in opening up the public lands with roads and canals. There was at present, he said, no incentive to the farmer around the Great Lakes to raise wheat because its transportation to New York consumed all the profits. If a canal by way of the Mohawk valley were constructed wheat raising would become profitable, the lands would more than double in value, and the fifty millions of acres of public lands around the lakes could be sold at twice the present price.

A large number of the settlers in the West, said Mr. Porter, are now debtors to the United States. They are a part of the great mass of yeomanry of this country, among whom is to be found most of the real patriotism, as well as the real strength of the Nation. The honor and honesty of these settlers is unimpeachable; it is their interest and their

wish to pay their debts, and to discharge all their duties to the government as good and faithful citizens. But let me ask, Mr. Porter exclaimed, how is it possible for these settlers to pay the government fifty or a hundred millions of dollars in specie, when they have no other resources than their agriculture, which is worthless for the lack of markets? The means of the citizens of the western country are inadequate to undertake the construction of canals, for the obvious reason that they are already deeply in debt to you for their lands, and they must continue so until this great work is executed for them. They will then not only be able to pay you for their lands, but will remunerate you for the expense of canals by paying tolls. "In the advantages which these outlets for their produce will give them, and on which their prosperity must so essentially depend, you will have a pledge for their future attachment and fidelity to your Government, and which they will never forfeit."

Although Mr. Porter so clearly stated the unfortunate trade situation of the western country, and although his canal project was by no means more unreasonable than the system of canals proposed by Gallatin in his report in 1808, yet his words fell upon barren ground. Approaching war and reduced treasury receipts are enough to overbear great canal schemes, even if constitutional objections fail at the same purpose. Mr. Porter was made chairman of a committee of twenty to consider his projects — and that was the last of them in that session.³⁵⁴ An attempt by the legislature of New York, two years later, to interest Congress in a canal connecting the Great Lakes and the Hudson River failed partly for the same reasons.³⁵⁵ On the whole Congress was not prepared to allow the policy of internal

³⁵⁴ *Annals of Congress*, 2nd Session, 11th Congress, p. 1401.

³⁵⁵ *Annals of Congress*, 1st Session, 12th Congress, p. 2166.

improvements to go so far as to undertake such large enterprises as the building of canals. And, indeed, it is probably true that few bills for constructing roads in the West, up to the time of Monroe's administration, would have been passed, had Congress not been pledged to appropriate five per cent of Ohio's land sales to this purpose. The same concession was made to Louisiana in 1811, to Indiana in 1816, and to other western States in the acts enabling them to form a State government.³⁵⁶

When Madison's administration came to an end the policy of internal improvements at Federal expense had gained prestige by eleven laws passed since 1809, making appropriations for constructing roads, all of which were either in the western country or leading to the western country. Seven hundred and eight thousand dollars had been thus appropriated, compared to appropriations in the same period of some eight hundred thousand dollars for lighthouse establishments—an almost distinctively eastern benefit.³⁵⁷

The complexion of Congress by the year 1817 concerning the general policy of Federal internal improvements was indicated by Calhoun's bill to set apart and pledge, as a permanent fund for internal improvement, the bonus of the national bank and the United States' share of its dividends. This bill passed the House by a vote of eighty-four to eighty-six, and the Senate by fifteen to twenty.³⁵⁸ Madison vetoed it upon purely constitutional grounds.³⁵⁹

In the speeches on this bill the argument of roads and

³⁵⁶ *United States Statutes at Large*, Vol. II, p. 641; Vol. III, p. 289.

³⁵⁷ *United States Statutes at Large*. For appropriations for roads see Vol. II, pp. 555, 661, 668, 670, 730, 829; Vol. III, pp. 206, 282, 315, 318, 377. For lighthouse equipment see Vol. II, pp. 561, 611, 646, 657, 690, 691, 828; Vol. III, pp. 110, 210, 282, 316, 357, 360.

³⁵⁸ *Annals of Congress*, 2nd Session, 14th Congress, pp. 934, 191.

³⁵⁹ *Annals of Congress*, 2nd Session, 14th Congress, p. 1059. March 3, 1817.

canals binding the West and the East and the South together into one union was again prominent. Said Calhoun: "Those who understand the human heart best, know how powerfully distance tends to break the sympathies of our nature. . . . Let us then . . . bind the Republic together with a perfect system of roads and canals. Let us conquer space. It is thus the most distant parts of the Republic will be brought within a few days travel of the centre; it is thus that a citizen of the West will read the news of Boston still moist from the press."³⁶⁰ Mr. Thomas R. Gold of New York declared that it was by roads and canals that the North and South, East and West were to be preserved in a lasting union.³⁶¹

The New England delegation was well aware of the significance of Calhoun's bill. They realized that the construction of lighthouses on the Atlantic coast by the general government was inevitable — indeed, already a well established custom dating back to a declaration by Congress in 1789, and plainly falling under constitutional power to regulate and control commerce.³⁶² Lighthouses were beneficial to New England; not so canals and turnpikes connecting the East and the West. In spite of promises of

³⁶⁰ *Annals of Congress*, 2nd Session, 14th Congress, p. 854.

³⁶¹ *Annals of Congress*, 2nd Session, 14th Congress, p. 880.

In 1805 the Senate committee which recommended the application of a part of Ohio's five per cent fund to the construction of the Cumberland Road, ended its report: "Rivers unite the interests and promote the friendship of those who inhabit their banks; while mountains, on the contrary, tend to the disunion and estrangement of those who are separated by their intervention. In the present case, to make the crooked ways straight, and the rough ways smooth, will, in effect, remove the intervening mountains, and by facilitating the intercourse of our Western brethren with those on the Atlantic, substantially unite them *in interest*, which, the committee believe, is the most effectual cement of union applicable to the human race."—*Annals of Congress*, 1st Session, 9th Congress, p. 25.

³⁶² *United States Statutes at Large*, Vol. I, p. 53. August 7, 1789.

equal distribution of favors it was clear that the whole policy of internal improvements at Federal expense would be peculiarly advantageous to the middle Atlantic States and to the West. It was impossible to connect New England and the West with canals, and little would New England be benefited by national highways. The Middle States and the West would gain in population and wealth at her expense. In the House, of the thirty-seven votes cast by New England members in the vote on Calhoun's bill, thirty-four were in the negative. Timothy Pickering and Jeremiah Nelson of Massachusetts and Daniel Webster of New Hampshire alone voted in the affirmative. The southern States quite consistently supported Calhoun's plan, while the Middle States of New York, and Pennsylvania voted almost solidly for it. Virginia was divided, six for and fourteen against.

Concerning the Senate vote the same story might be told. Only one Senator from New England voted for the bill. New York, Pennsylvania, Virginia, and Maryland voted for it.

For many years New England continued to oppose the policy of internal improvements at Federal expense, and there is something to be said for her attitude. A Massachusetts Representative exclaimed in the course of a speech: "What are the real objects for which the people and their money are to be sacrificed? We have heard this day, sir — the grand canal from Lake Ontario to the Hudson; to build up the already overgrown State of New York. And what direct interest have the citizens of New Hampshire and Massachusetts, and other remote States, in building up that great and powerful State? . . . Or for the one, sir, which you mentioned yesterday, of constructing locks and canals around the falls of the Ohio? . . . The

post roads in New England are now good. If they are not so elsewhere, let those concerned make them so.”³⁶³

This sectional criticism was not confined to the New England delegation. In answering a strong speech by Henry Clay, in March, 1818, Mr. Lemuel Sawyer of North Carolina said: “As to the detention of the Western mail for several days, which the gentleman so feelingly describes, whose fault is that? If the ways of the Western people are so bad, it is high time for them to mend them. Do the people of Kentucky mean to look on and see the other States making turnpike roads, and expending their wealth and industry in improving the face of the country, and then call upon the General Government to furnish them with means to make similar improvements? Do they wish to tax other States to make their turnpike roads and canals? If the gentleman’s wagon stick in the mud let him apply his own shoulders to the wheel before he calls on Hercules. . . . See Jersey, Pennsylvania, Maryland, and other States, intersected with turnpike roads and canals in every direction. Would it be fair, now that they have made such progress in these works, by their own means, that their money should be taken out of the common stock, and given to other States, who have supinely looked on and made no exertions?”³⁶⁴ Unfortunately this same Representative tried to show that Kentucky trade owed much to lighthouses (erected at Federal expense) on the Atlantic coast.

The veto on the Bonus Bill was among the last official acts of Madison. If there was any doubt concerning the incoming President’s attitude upon this question, it was dispelled by his first message to Congress, in which he

³⁶³ *Annals of Congress*, 2nd Session, 14th Congress, p. 913.

³⁶⁴ *Annals of Congress*, 1st Session, 15th Congress, p. 1272.

frankly stated his constitutional scruples to be the same as Madison's.³⁶⁵ This *obiter dictum* challenged the friends of the policy in Congress. While it was apparent that no two-thirds majority could be arrayed against the new President's veto, it was decided to test the House with a resolution to revive the principal feature of Calhoun's bill.³⁶⁶ In the Committee of the Whole this resolution was replaced by four others, one resolving that Congress had the power to appropriate money for the construction of canals and roads, and another resolving that Congress had the power to construct roads and canals for commerce.³⁶⁷

Calhoun being now in the Cabinet the burden of the leadership fell upon Clay, the Speaker. Clay spoke for the West. Seldom before was her relationship to the East so sharply expressed. "Would it be contended", said Clay, "that, in respect to the twenty-five millions to which our revenue has risen . . . there is no object in the interior worthy of the application of any part of it, but that it must all be lavished on the margin of the ocean? That Boston, and Norfolk, and New York, and Portsmouth, were to be left to scramble on the great questions of naval depots, for the fruits of the expenditures of those national establishments, and that the great agricultural body of the country was to be the passive spectator of the gains of the seaboard from the labor of the interior?"³⁶⁸

Clay also spoke for the consolidation of the Union. Combat, he said, the physical separation of our people by the mountains with physical force. Let roads and canals bind the East and the West, since there is no stronger tie to connect the various portions of so broad a republic than free

³⁶⁵ *Annals of Congress*, 1st Session, 15th Congress, p. 17. December 2, 1817.

³⁶⁶ *Annals of Congress*, 1st Session, 15th Congress, p. 460. December 15, 1817.

³⁶⁷ *Annals of Congress*, 1st Session, 15th Congress, p. 1380. March 13, 1818.

³⁶⁸ *Annals of Congress*, 1st Session, 15th Congress, p. 1177. March 7, 1818.

intercourse. At present, said Clay, the East and the West are united by bonds of consanguinity, for the people of the West have migrated from the Atlantic States. But when society becomes settled down, as it will before long be, these moral connections will lose their effect. Therefore, the strongest bonds — commercial interests, fostered by roads and canals — are necessary to preserve the Union.

On March 14 the first resolution passed the House by a vote of seventy-five against ninety. But the last resolution was voted down, forty-six to one hundred and twenty.³⁶⁹

Exactly one month after this rejection of the policy by the House the sum of three hundred and twelve thousand dollars was appropriated to meet existing contracts on the Cumberland Road.³⁷⁰ Again, a year later, March 3, 1819, five hundred and thirty-five thousand dollars were applied to the construction of this national roadway.³⁷¹ Although these appropriations came out of the five per cent funds of Ohio, Indiana, and Illinois the deluge of western improvements had already begun.

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THE STATE UNIVERSITY OF IOWA

IOWA CITY, IOWA

³⁶⁹ *Annals of Congress*, 1st Session, 15th Congress, pp. 1385, 1387. March 14, 1818.

³⁷⁰ *United States Statutes at Large*, Vol. III, p. 426. April 14, 1818.

³⁷¹ *United States Statutes at Large*, Vol. III, p. 500.

SOME PUBLICATIONS

AMERICAN

GENERAL AND MISCELLANEOUS

Herbert Bruce Fuller is the author of a timely volume on *The Speakers of the House*, published by Little, Brown & Company.

The American City is the name of a new periodical devoted to municipal affairs, which has made its appearance in New York City.

Frank J. Goodnow is the author of a volume on *Municipal Government* which has recently been published by The Century Company.

Dorrance Inscriptions: Old Sterling Township Burying Ground, Oneco, Connecticut, is a recent pamphlet prepared by Emma Finney Welch.

Narratives of New Netherland, edited by J. Franklin Jameson, is a volume in the series of *Original Narratives of Early American History* which has recently been published.

Selected Articles on the Commission Plan of Municipal Government, is the title of a volume compiled by E. Clyde Robbins, which is published in the *Debater's Handbook Series*.

Makers of Canada is the title of a comprehensive twenty-one volume work prepared under the direction of a board of editors, and published by Morang and Company, of Toronto.

A brief account of the *First Quaker Meeting House in Salem*; and a few notes on *Part of Marblehead in 1700*, by Sidney Perley, are historical articles in *The Essex Antiquarian* for October.

The *Jamestown Exposition Blue Book* is a volume of eight hundred and fifty pages, copiously illustrated, which contains a record of the exercises and speeches occurring in connection with the exposition.

The Practice of Asylum in Legations and Consulates of the United States is the title of an article by Barry Gilbert which is reprinted from the July number of *The American Journal of International Law*.

The United States and Spain, by Martin Hume; and *The Public School as a Factor in International Conciliation*, by Myra Kelly, are pamphlets recently published by the American Association for International Conciliation.

Interest on Debts where Intercourse between Debtor and Creditor is Forbidden by a State of War is the title of an article by Charles Noble Gregory, which is reprinted from the July number of the *Law Quarterly Review*.

The South in the Building of the Nation is the subject of a twelve volume work now in preparation under the supervision of a capable board of editors. The work will be published by The Southern Historical Publication Society, of Richmond, Virginia.

E. S. Smith is the writer of an article entitled *The Truth About Mexico*, which has been reprinted from *The Bankers Magazine*. An effort is here made to refute some of the charges recently made in various publications against the Mexican government and its people.

The *Columbia Law Review* for November contains three articles: *The Courts, As Conservators of Social Justice*, by Simeon E. Baldwin; the first installment of *The New York Test of Vested Remainders*, by S. C. Huntington; and the conclusion of *Absolute Immunity in Defamation: Judicial Proceedings*, by Van Vechten Veeder.

In the *Proceedings of the Second Annual Meeting of The Association of Life Insurance Presidents*, which was held in New York City on December 4 and 5, 1908, may be found a number of addresses on various phases of the life of Grover Cleveland. There are also some suggestive articles on the subject of taxation of life insurance.

Francis Newton Thorpe is the compiler and editor of a seven volume set of *The Federal and State Constitutions, Colonial Char-*

ters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America, which has recently been issued from the Government Printing Office. This work was authorized by an Act of Congress of June 30, 1906.

A *Review of Historical Publications Relating to Canada*, edited by George M. Wrong and H. H. Langton, dealing with the publications of the year 1908, is a recent number of the *University of Toronto Studies*. Like its predecessors in the same field this volume contains admirable reviews of publications which treat to any considerable extent with the various phases of the history of the Dominion.

In the September number of the *Bulletin of the New York Public Library* may be found a number of *Letters and Documents by or Relating to Robert Fulton*. There is also a *List of Works in the New York Public Library Relating to Henry Hudson, the Hudson River, Robert Fulton, etc.* In the October number there is a *List of Works Relating to Mexico*, which is continued in the November number.

Constructive Educational Leadership, by William P. Few; *A New Suggestion on the Race Problem*, by Ernest G. Dodge; *The South Carolina Cotton Mill — A Manufacturer's View*, by Thomas F. Parker; *The Democracy and Fraternity of American Industrialism*, by John Carlisle Kilgo; and *Living in an Era of Rising Prices*, by William H. Glasson, are articles in the October number of *The South Atlantic Quarterly*.

In the September number of the *Journal of the United States Cavalry Association* there is begun an account of *The Battle of Gettysburg*, which was written a few days after the battle by Frank A. Haskell, a First Lieutenant in the Wisconsin Infantry. This interesting account is continued in the November number, and is the same as that published in book form by the Wisconsin History Commission in November, 1908.

Robert Stein contributes an article on *Bernhard Hantzsch's Notes on Northeastern Labrador* in the September *Bulletin of the*

American Geographical Society, where may also be found a brief sketch of the *Discovery of the North Pole*. In the October number the articles are: *Northern Alaska in Winter*, by V. Stefansson; and *Characteristics of American Railway Traffic: A Study in Transportation Geography*, by Emory R. Johnson.

The International Naval Conference and the Declaration of London, by Ellery C. Stowell, is the opening contribution in the November number of *The American Political Science Review*. Paul S. Reinsch describes *Parliamentary Government in Chile*; and there is a discussion of *French Colonization in North Africa*, by Thomas Willing Balch. Among the *News and Notes* may be found a brief article on *Centralization in Ohio Municipal Government*, by Thomas L. Sidlo.

The October number of *The Scottish Historical Review* contains the following contributions: *The Appointment of Bishops in Scotland During the Medieval Period*, by J. Dowden; *The King's Birthday Riot in Edinburgh, June, 1792*, by Henry W. Meikle; *Wimund, Bishop and Pretender*, by Alan O. Anderson; *Brunanburh and Burnswark*, by George Neilson; a continuation of the *Chronicle of Lanercost*, by Herbert Maxwell; and *Dalzell: an Ancient Scottish Surname*, by J. B. Dalzell.

The opening article in the October number of *The American Catholic Historical Researches* bears the title, *The Cross in the Flag of England Cut Out by John Endicott of Salem and by Sir Harry Vane at Boston*. Another contribution is entitled *Knights of Columbus at Valley Forge — Galloway's Reports to Lord Dartmouth of the Condition of Washington's Army*. Other articles deal with various phases of Catholic history during the Revolutionary period.

Standpoint for the Interpretation of Savage Society, by W. I. Thomas; *The Teaching of Sociology in the United States*, by L. L. Bernard; *Biblical Sociology*, by Louis Wallis; and *The Claims of Sociology Examined*, by Henry Jones Ford, are articles in the September number of *The American Journal of Sociology*. Among the contributions in the November number are: *The Problem of*

Sociology, by George Simmel; *Is an Honest and Sane Newspaper Press Possible?*, by an Independent Journalist; *Women in Industry: The Manufacture of Boots and Shoes*, by Edith Abbott; *A Study of the Greeks in Chicago*, by Grace Abbott; and *The Origin of Society*, by Charles A. Ellwood.

Inventory of the Contents of Mount Vernon 1810, with a prefatory note by Worthington Chauncey Ford, is a neatly printed volume published through the generosity of Mr. W. K. Bixby, of St. Louis. The manuscript of this inventory was recorded in Fairfax County, Virginia, in 1810, and remained there until during the Civil War, when it was picked up in the court-house yard by a Union officer. After the death of the officer the manuscript was sold and finally came into the possession of Mr. Bixby.

An entertaining discussion of *The Mores of the Present and of the Future*, by W. G. Sumner, is the opening contribution in the November number of *The Yale Review*. Gustav Cohn has an article on *Financial Reform in Germany*; K. Asakawa writes on *The Manchurian Conventions*; there is an article on *Organization Among the Farmers of the United States*, by John Lee Coulter; and a brief survey of *Early Railroad Monopoly and Discrimination in Rhode Island, 1835-55*, is presented by John K. Towles.

William A. Dunning presents a discussion of *The Political Theories of Jean Jacques Rousseau* in the September number of the *Political Science Quarterly*. W. F. Willoughby writes on *The Reorganization of Municipal Government in Porto Rico: Political*. Other contributions are: *The Attorney-General and the Cabinet*, by Henry Barrett Learned; *Horace Greeley and the Working Class Origins of the Republican Party*, by John R. Commons; *The Wheat Situation in Washington*, by A. Berglund; and *Capital and Interest*, by Irving Fisher.

Chinese and Japanese in America is the subject of a discussion in the September number of *The Annals of the American Academy of Political and Social Science*, and the articles are for the most part by men living in the west coast States. The arguments for and against the exclusion of Orientals are stated by various writ-

ers and there are papers dealing with the national and international aspects of the exclusion movement, and with the problem of oriental immigration outside of America. The *Annals* for November is devoted to *American Business Methods*, and here the discussions are by leaders in the world of business affairs.

A timely article in the November number of *The Quarterly Journal of Economics* is entitled *The Tariff Debate of 1909 and the New Tariff Act*, and is written by F. W. Taussig. *American Shoemakers, 1648-1895: A Sketch of Industrial Evolution* is the subject of a contribution by John R. Commons. Thornton Cooke writes on *The Insurance of Bank Deposits in the West*, dealing with the State of Oklahoma in this article which is evidently one of a series to be published in subsequent numbers of the *Journal*. Another instructive article is one by Melvin T. Copeland on *Technical Development in Cotton Manufacturing Since 1860*.

When Europe's Kings Wooded California is the subject of a brief article by Al H. Martin, in the *Americana* for September. Leonora Sill Ashton is the writer of a biographical sketch of *Sir William Johnson*, the British Indian agent who was so successful in his dealings with the Six Nations. *Genesis of Hudson's Third Voyage*, by Millard F. Hudson; *Early Education in Ohio*, by Jessie Cohen; and *The Legend of Detroit's "Nain Rouge"*, by Elizabeth L. Stocking, are among the articles in the October number. A number of interesting sketches may be found in the November number, the opening contribution being *Ancient Abodes of Annapolis*, by Catherine Frances Cavanaugh.

In *The Journal of American History* for the second quarter, 1909, there are a number of interesting contributions. Zoeth S. Eldredge continues his history of the *First Overland Route to the Pacific*, which deals with the journey of Colonel Anza. David E. Alexander writes on the subject of the *Diary of Captain Benjamin Warren on Battlefield of Saratoga*, giving also a number of extracts from the diary. *First Territorial Governor in the First Expansion of United States*, by Dwight G. McCarty, is a defense of Arthur St. Clair, the first Governor of the Old Northwest. Wal-

ter L. Fleming is the author of an interesting sketch of *Plantation Life in the Old South and the Plantation Negroes*. Other articles and reproductions of valuable original material might be mentioned. In the *Journal* for the third quarter the opening number is Frederick A. Cook's account of the *Cook Expedition to the North Pole*. Other articles are: *Experiences of an Early American Lawyer in the "Northwest"*, by Lucy Mathews Blackmon, in which are related some adventures of Samuel Huntington; *First Native Martyrs in America*, by R. T. Crowder, which treats of Bacon's Rebellion; and *Hero of the Early American Navy*, by Alice Frost Lord. The number for the fourth quarter opens with two articles dealing with America's mission in promoting international peace, by Andrew Carnegie and Nicholas Murray Butler. A number of contributions of western interest are: *Adventures of the First Settlers in the Mississippi Valley*, in which is told the story of Julien Dubuque, by Dan Elbert Clark; *Travels in Western America in 1837*, which deals with early Illinois, by Mary Washburn Parkinson; *Private Letters of a Government Official in the Southwest*, written in 1851, and recently transcribed by Tod B. Galloway; and *Evolution of the Mason-Dixon Line*, by Morgan Poitiaux Robinson.

WESTERN

The Century History Company has published a five volume *History of Washington*, by C. A. Snowden.

The *History of the State of Washington*, by Edmond S. Meany, is among the late publications of The Macmillan Company.

The Columbia River: Its History, Its Myths, Its Scenery, Its Commerce is the title of an attractive volume written by W. D. Lyman.

The *Bulletin of the University of New Mexico*, published in September is devoted to *A Study of Spoken Language*, by Charles E. Hodgkin.

Two new volumes in Frederic De Kastner's series of *Héros de la Nouvelle France* have appeared. One deals mainly with the life of Lemoyne de Bienville, while the other is chiefly devoted to the Verendryes.

A *List of Indiana Histories*, prepared by Harlow Lindley, is to be found in the November number of the *Bulletin of the Indiana State Library*.

B. F. Moore is the author of *The History of Cumulative Voting and Minority Representation in Illinois, 1870-1898*, which is published by the University of Illinois.

The Transition in Illinois from British to American Government, by R. L. Schuyler, is a volume of western interest which has come from the Columbia University Press.

The Peace of Mad Anthony Wayne, by Frazer E. Wilson, is a little volume dealing with the subjugation of the Indians in the Old Northwest, and the treaty of Greenville.

Transportation and Industrial Development in the Middle West, by William F. Gephart, is a recent number of the *Columbia University Studies in History, Economics and Public Law*.

A. L. Kroeber is the writer of some *Notes on Shoshonean Dialects of Southern California*, published as a number of the *University of California Publications in American Archaeology and Ethnology*.

Among the articles in the October number of *The University of California Chronicle* are: *The Rural Schools of California*, by Edward Hyatt; and *Charles Warren Stoddard and His Place in American Literature*, by Henry Meade Bland.

An interesting address on *The University and the State*, by Henry F. Mason, is printed in *The Graduate Magazine of the University of Kansas* for October. *The First Five Years at Kansas University* is the subject of a brief sketch by S. D. Alford.

A very welcome and valuable publication of the Washington State Library bears the title, *Check-List of Books and Pamphlets Relating to the History of the Pacific Northwest to be Found in Representative Libraries of that Region*. Charles W. Smith is the compiler of this volume which contains information of great importance to the investigator of subjects in the history of the Pacific Northwest. Similar lists are needed for other sections of the country, especially with regard to collections of manuscripts, documents, newspapers and other source material.

IOWANA

Hunters and Hunting at Muscatine, Iowa, by C. C. Braunwarth and Phil J. Mackey, is a booklet containing some interesting information.

In the *Iowa Library Quarterly* for the third quarter, 1909, may be found a series of brief articles describing the various libraries in Des Moines.

An *Occasional Bulletin* published by the Iowa Masonic Library at Cedar Rapids in November, contains many items of interest to members of the fraternity.

List of One Hundred and Fifteen Colonial Ancestors of Cornelius Cadle, Muscatine, Iowa, compiled by Mrs. Charles Francis Cadle, is a recent Iowa item.

Ancient Ruins of the Southwest, written by Edgar L. Hewett, is an article which is printed in two installments in the October and November numbers of *Autumn Leaves*.

At the banquet of the Linn County Bar Association at Cedar Rapids on February 22, 1909, Charles A. Clark delivered an address on *Washington*, which has been printed in a neat pamphlet.

In the October number of *The Iowa Alumnus* there are biographical sketches of Lawrence Marshall Byers and Henry Evarts Gordon, and an article on *Philanthropy and Education*, by Clarence W. Wassam.

Dwight G. McCarty's *History of the Tariff in the United States*, which originally appeared as a series of articles in the *Palo Alto Tribune* of Emmetsburg, Iowa, has been reprinted in pamphlet form.

The proceedings of the *Tenth Annual Conference of the Iowa Daughters of the American Revolution*, which was held at Sioux City, October 6 and 7, 1909, are printed in a neat booklet of nearly fifty pages.

The sketches of *Iowa in the Civil War*, by L. F. Andrews, are continued in the October and November numbers of *The Midwest-*

ern. The November number also contains an article on *The Future of Agriculture*, by Malcolm MacKinnon; and a brief biographical sketch of *Edgar Ruby Harlan, Curator of the Historical Department of Iowa*.

Under the heading of *Two Boone County Scouts*, C. L. Lucas writes an article which is published in two installments in the *Madrid Register-News* of November 25 and December 2, 1909. It is an account of the experiences of Samuel and Andrew Purcell during the Indian troubles in northwestern Iowa during the winter of 1859-60.

Public Play Grounds, by Thomas Maloney; *Street Illumination*; and *MacVicar's Campaign*, are articles in the October number of *Midland Municipalities*. The November number is devoted largely to the *Minutes of the Twelfth Annual Convention of the League of Iowa Municipalities*. The *Report of the Chairman of the Legislative Committee*, by C. F. Kimball; and the *Report of the Committee on Judicial Opinions*, by F. B. Blair, are contained in the December number.

The American Freemason is a new Iowa publication the first number of which appeared in November. It is a monthly magazine devoted to the general interests of the Masonic fraternity. Joseph E. Morecombe is the editor, and the place of publication is Storm Lake. Among the articles in the first number are: *A General Lodge: Documents Pertinent to the Controversy*, by the editor; and *The Vexed Question of Masonic Origin*. The magazine is attractive in appearance.

A History of Washington County, Iowa, from the First White Settlements to 1908, by Howard A. Burrell, is a two-volume addition to the histories of Iowa counties, which is above the average of such publications. The first volume is chiefly historical; while the second is devoted to biographical sketches. In addition to the customary portraits of old settlers and prominent citizens of the county there are a number of interesting views of buildings and scenes in Washington County.

A brief *Biography of James Caffall*, discussions of *Kirtland Bank* and *The Kirtland Temple*, and an article on *Missouri Troubles*, all written by Heman C. Smith, may be found in the October number of the *Journal of History* published by the Reorganized Church of Jesus Christ of Latter Day Saints. A continuation of the *Autobiography of Charles Derry*; a biographical sketch of *Oliver Cowdery*, by Heman Hale Smith; and chapter ten of *Local Historians and their Work*, complete the contents.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Adams, Albert Augustus,

True Love. Council Bluffs: Published by the author. 1909.

Botsford, George Willis,

The Roman Assemblies, from their Origin to the End of the Republic. New York: The Macmillan Co. 1909.

Braunwarth, C. C., and Mackey, Phil J.,

Hunters and Hunting at Muscatine, Iowa. Muscatine: Muscatine News Co. 1909.

Butler, Ellis Parker,

The Thin Santa Claus. New York: Doubleday, Page & Co. 1909.

Ellis, Katharine Ruth,

The Wide Awake Girls in Winsted. Boston: Little, Brown & Co. 1909.

Fitch, George,

The Big Strike at Siwash. New York: Doubleday, Page & Co. 1909.

Franklin, William Suddards, (joint author)

Dynamo Laboratory Manual for Colleges and Technical Schools. (Revised edition). New York: The Macmillan Co. 1909.

Garland, Hamlin,

The Mocassin Ranch. New York: Harper & Brothers. 1909.

Gilson, Roy Rolfe,

The Wistful Years. New York: Baker and Taylor Co. 1909.

Griffith, Helen Sherman,

Patty of the Circus. Philadelphia: Penn Publishing Co. 1909.

- Hutchinson, Woods,
Preventable Diseases. Boston: Houghton, Mifflin & Co. 1909.
- Lazell, Frederick John,
Some Summer Days in Iowa. Cedar Rapids: The Torch Press.
1909.
- McCarty, Dwight G.,
History of the Tariff in the United States. Emmetsburg:
Tribune Publishing Co. 1909.
- Morley, Margaret Warner,
Donkey John of the Toy Valley. Chicago: A. C. McClurg &
Co. 1909.
- Parker, George F.,
Recollections of Grover Cleveland. New York: Century Co.
1909.
- Parrish, Randall,
My Lady of the South: A Story of the Civil War. Chicago:
A. C. McClurg & Co. 1909.
- Quick, J. Herbert,
Virginia of the Air Lanes. Indianapolis: Bobbs-Merrill Co.
1909.
American Inland Waterways. New York: G. P. Putnam's
Sons. 1909.
- Reid, Harvey,
Thomas Cox. Iowa City: The State Historical Society of
Iowa. 1909.
- Richardson, Anne Steese,
The Girl Who Earns Her Own Living. New York: B. W.
Dodge & Co. 1909.
- Robbins, E. Clyde,
*Selected Articles on the Commission Plan of Municipal Gov-
ernment.* Minneapolis: The H. W. Wilson Co. 1909.
- Rogers, Julia E.,
Trees Every Child Should Know. New York: Doubleday,
Page & Co. 1909.
- Russell, Charles Edward,
Songs of Democracy and on Other Themes. New York: Mof-
fat, Yard & Co. 1909.

Steiner, Edward A.,

The Immigrant Tide: Its Ebb and Flow. New York and Chicago: Fleming H. Revell & Co. 1909.

Ward, Duren J. H.,

The Classification of Religions. Chicago: Open Court Publishing Co. 1909.

Wood, James,

Woods' Iowa Justice's Form Book and Constable's Guide (Fifth edition). Davenport: Fidler & Chambers. 1909.

Zollinger, Guilelma,

A Boy's Ride. Chicago: A. C. McClurg & Co. 1909.

SOME RECENT HISTORICAL ITEMS IN NEWSPAPERS

The Register and Leader

Descendants of Scotch Family of McCain were Local Pioneers, by L. F. Andrews, September 26, 1909.

John Alexander Elliott, Auditor of State, a Real Pioneer, by L. F. Andrews, October 3, 1909.

When the Beasts Harried Iowa's Citizens, October 10, 1909.

Sketch of Life of Adam Hafner, Early Des Moines Policeman, October 10, 1909.

Underground Station Keeper for Polk County, by L. F. Andrews, October 17, 1909.

Something About the Three Great Iowa State Libraries, October 17, 1909.

Early Jackson County History, October 24, 1909.

An Iowan's Buried Gold, October 31, 1909.

One Man's Part in the First Booster Movement in Des Moines, by L. F. Andrews, October 31, 1909.

Crime in Pioneer Polk County Days, by F. F. Blyler, November 7, 1909.

Icaria, an Iowa Arcadia, November 7, 1909.

An Appreciation of W. I. Buchanan, by Frank W. Bicknell, November 7, 1909.

Benjamin N. Kinyon — A Pioneer Character, by L. F. Andrews, November 7, 1909.

Some of the Early Day Political Maneuvering in a New State, by L. F. Andrews, November 14, 1909.

History of Elkhorn College, November 14, 1909.

The Homes of Two Iowa Pioneers at Forest City, November 21, 1909.

Sketch of Life of Samuel Connor of Washington, Iowa, November 21, 1909.

Sketch of Life of John Nollen — Fifty-five Years a Banker at Pella, November 28, 1909.

An Early Crime Record, by L. F. Andrews, November 28, 1909.

Samuel Merrill — One of Iowa's Noted Pioneers, by L. F. Andrews, December 5, 1909.

Rowell and Atkins Golden Anniversaries, December 5, 1909.

Career of Colonel Alonzo Abernethy, Soldier and Scholar, by L. F. F. Andrews, December 12, 1909.

The Burlington Hawk-Eye

Twenty Years Ago (In each Sunday issue).

Prairie Chicken Hunting in Early Iowa, October 1, 1909.

A Year of the Des Moines Plan of City Government, October 3, 1909.

Old Time River Craft, October 6, 1909.

The Old Time Boats, October 24, 1909.

The Story of "Little Breeches" the Boy Whom the Angels Loved, October 24, 1909.

Samuel Connor — A Pioneer of Washington County, November 7, 1909.

Keokuk the Politician, by Albert Payson Terane, November 14, 1909.

The Iowa Band, November 18, 1909.

Sketch of Life of William Salter, November 18, 1909.

Sketch of Life of Father Mazzuchelli — Pioneer Iowa Priest, November 21, 1909.

How the Carthage Branch Came into Existence, November 21, 1909.

Sketch of Life of John Hale — Pioneer Attorney of Wapello, November 27, 1909.

Sketch of Life of William Fischer — Early Des Moines County Business Man, November 27, 1909.

Glendale Boys with Sherman on the March to the Sea, December 5, 1909.

The Dubuque Telegraph-Herald

Early History of St. John's Church, Dubuque, October 10, 1909.

Early Day Career of D. D. W. Carver, November 7, 1909.

A. A. Cooper at Eighty Years Tells of Pioneer Days in Iowa, November 14, 1909.

Record of Early Priest in Dubuque, November 16, 1909.

Sketch of Life of D. D. W. Carver, November 17, 1909.

Dubuque Military Company, Governor's Greys, Passes its Fiftieth Milestone, November 21, 1909.

Sketch of Life of James S. Clarkson, November 28, 1909.

River Gambling Before the War, November 28, 1909.

The Sioux City Journal

Twenty Years Ago (In each Sunday issue).

J. H. Millard Recalls Early Days in Sioux City, October 1, 1909.

Fiftieth Anniversary of St. Thomas Church, Sioux City, November 7, 1909.

Memories of the Old Days on the Farm, November 14, 1909.

HISTORICAL SOCIETIES

PUBLICATIONS

The two leading contributions to *The Medford Historical Register* for October are: *The First Parish in Medford*, by Henry C. DeLong; and *The First Medford Journal*.

The *Proceedings of the Fourth Annual Conference on the Work of State and Local Historical Societies*, reported by Evarts B. Greene, have been reprinted from the *Annual Report of the American Historical Association* for 1907.

Two recent publications of the Department of History of the State of South Dakota are: *Digest of Governors' Messages* from 1889 to 1909, edited by Thomas Askin; and *Ninth Annual Review of the Progress of South Dakota, 1909*.

The Function of State Historian of New York is the title of a paper read before The New York State Historical Association in October, 1908, by the State Historian, Victor Hugo Paltsits. The paper is now printed in pamphlet form.

With the exception of a *Catalogue of the Library of Daniel Parke Custis* the October number of *The Virginia Magazine of History and Biography* is devoted to continuations of original material along the same line as in past numbers.

A continuation of the monograph on *Germans in Texas*, by Gilbert G. Benjamin; and a discussion of *The Community at Bethel, Missouri, and its Offspring at Aurora, Oregon*, by William G. Bek, are the leading contributions to the September-October number of the *German American Annals*.

Edward B. Krehbiel's monograph on *The Interdict* is the first volume in a new series of publications undertaken by the American Historical Association. This series will include the essays to which the Justin Winsor and Herbert Baxter Adams prizes have been awarded, or shall be awarded in the future.

Two articles of especial interest in the September-October number of the *Records of the Past* are: *Cuzco and Sacsahuaman*, by Hiram Bingham, which is an illustrated account of the ruins at the ancient capital of the Inca Empire; and *Possible Pre-Glacial Human Remains About Washington, D. C.—A Letter to Dr. C. C. Abbott*.

With the exception of a brief biographical sketch of *The Earl of Dunmore*, by George Austin Morrison; and *Earliest Baptismal Records of the Church of Harlingen (Reformed Dutch) of New Jersey, 1727-1734*, by William Jones Skillman, the October number of *The New York Genealogical and Biographical Record* is devoted to continuations.

The Discovery and Exploration of the Fraser River is the title of an address by Frederick V. Holman, which is printed in the June number of *The Quarterly of the Oregon Historical Society*. William D. Fenton writes interestingly of *Father Wilbur and His Work*; while *Land Tenure in Oregon* is the subject of a scholarly monograph by Lon L. Swift.

In addition to continuations the October number of the *Historical Collections of the Essex Institute* contains a sketch of *The French Acadians in Essex County and their Life in Exile*, by George Francis Dow; a list of *Revolutionary Prisoners at Gloucester*; and a number of *Letters Written by Benjamin Wadleigh of Salisbury, Mass., in 1810-1813*.

Among the articles in the October number of the *Deutsch-Amerikanische Geschichtsblätter* are: *Die Mennoniten während des neunzehnten Jahrhunderts*, which is taken from *The Mennonites of America*, by C. Henry Smith; a sketch of *Das Leben und Wirken von Pastor Friedrich Schmid*, by Friedrich Schmid, Jr.; and the *Geschichte der Deutschen Gesellschaft von Maryland*.

Charles L. Coon is the compiler of *The Beginnings of Public Education in North Carolina; A Documentary History, 1790-1840*, which occupies two volumes in the *Publications of the North Carolina Historical Commission*. The work includes Governors' messages, legislative bills and reports, memorials, speeches and other

documentary material relating to education, and will prove of great value to the investigator. Another praiseworthy volume in this same series is devoted to *The Correspondence of Jonathan Worth*, collected and edited by J. G. de Roulhac Hamilton. The letters here printed cover the period from April, 1841, to May, 1869.

Among the contributions of an historical character in *The "Old Northwest" Genealogical Quarterly* for July are: *Historical Notes Relating to Northwestern Ohio, Compiled from Old Newspapers by Mrs. Alta Winchester Fitch*; a document entitled *The Indenture of David Merriam 1760*, by David E. Phillips; and *Some Account of the "Old Northwest" One Hundred and Ten Years Ago*, by David E. Phillips.

In the April number of *The Quarterly of the Texas State Historical Association* may be found a continuation of Alex. Dienst's history of *The Navy of the Republic of Texas*; an article on *The Case of the Brig Pocket*, by C. T. Neu; and some *Reminiscences of Jno. Duff Brown*. The July number is taken up with another installment of Mr. Dienst's monograph, and with *J. C. Clopper's Journal and Book of Memoranda for 1828*.

The October number of the *Register of Kentucky State Historical Society* opens with a biographical sketch of *George W. Ranck*, by Mrs. Jennie C. Morton. Among the other contributions are: *The Old Courthouse and the Courts and Bar of Mercer County, Ky.*, by W. W. Stephenson; *Kentucky the Home of Jefferson Davis*, by John Wilson Townsend; and a continuation of the history of *Franklin County*, by L. F. Johnson.

C. Wicliffe Yulee concludes his biographical sketch of *Senator David L. Yulee* in the July number of *The Florida Historical Society Quarterly*. There is a brief article on *St. Joseph, Florida*, in which an account of the founding of the city is given. An article by Ellen Call Long on *Princesse Achille Murat*; and a contemporary account of *Governor Milton and his Family*, by an English tutor who was in Florida during the Civil War, complete the contents.

The opening article in the October number of *The Pennsylvania Magazine of History and Biography* is an address on the subject of *The Gettysburg Address, When Written, How Received, Its True Form*, by William H. Lambert. The writer discusses the various versions of the address, two of which are reproduced in facsimile, and the different accounts of the manner in which the audience and contemporaries were impressed by the address. The remainder of the *Magazine* is devoted to continuations.

Charles William Sommerville concludes his study of the *Early Career of Governor Francis Nicholson* in the September number of the *Maryland Historical Magazine*. John H. B. Latrobe is the writer of an interesting paper on the *Construction of the Public Buildings in Washington*. Bernard C. Steiner writes on the subject of *New Light on Maryland History from the British Archives*; while *French Forts in 1755* and *Party of Acadians who Sailed from the Potomac, Bound for the Mississippi* are titles of other contributions.

The *Report of the Secretary* of the Kansas State Historical Society for 1909, besides containing the usual material found in such reports, includes much additional information. There is a brief sketch of *The Wyandotte Constitution*, and an account of the proposed Memorial Building; while a number of letters selected from the State Archives are printed under the heading *Our Archives*. A brief statement of the provisions for membership in various State historical societies is among the other items of interest.

The Part of Iowa Men in the Organization of Nebraska is the title of an address delivered before the Nebraska State Historical Society in January, 1908, by Horace E. Deemer, which is published in the October number of the *Annals of Iowa*. There is also another installment of F. I. Herriott's discussion of *Iowa and the First Nomination of Abraham Lincoln*. In the editorial department there is a brief sketch of the history and work of *The Historical Department of Iowa*, which may in a sense be taken as an inaugural announcement by the newly appointed Curator. Under the heading, *James W. Grimes and Abraham Lincoln in 1844*, there is printed an interesting letter, together with editorial comments.

The *Missouri Historical Review* for October opens with an *Historical Sketch of Kansas City from the Beginning to 1909*, by H. C. McDougal. Part two of Joab Spencer's discussion of *Missouri's Aboriginal Inhabitants* deals with manners, customs, and habits. Will S. Bryan concludes his sketch of *Daniel Boone in Missouri*. An article on *Missouri Military in the War of 1812*, by Will C. Ferril, contains some interesting material. The closing contribution is a chronological list of the *Sessions of the Missouri Legislature*, compiled by F. A. Sampson. Under the heading of *Missouri Society of Teachers of History and Government* there is printed the address delivered in May, 1909, by the President of the Society, H. R. Tucker.

A new series of western historical publications known as *Publications of the Academy of Pacific Coast History* has appeared. The first number, issued in January, 1909, bears the title, *The San Francisco Clearing House Certificates of 1907-1908*, and is from the pen of Carl Copping Plehn. *The Official Account of the Portola Expedition of 1769-1770*, given both in the Spanish and in English translation, and edited by Frederick J. Teggart, constitutes the second number. The third number was perhaps also suggested by the Portola festival held in San Francisco in October, for it consists of the *Diary of Gaspar de Portola During the California Expedition of 1769-1770*, likewise in Spanish and English, edited by Donald Eugene Smith and Frederick J. Teggart.

The first volume of the *Proceedings of the Mississippi Valley Historical Association*, which covers the year 1907-1908, has appeared. It is an attractively printed volume of nearly one hundred and fifty pages, and is edited by Benjamin F. Shambaugh. The contents consist of a *Historical Sketch* of the Association, the Constitution, a list of officers, the proceedings of the meetings for the year 1907-1908, the report of the Secretary-Treasurer, and a number of papers. The papers are as follows: *The Explorations of Verendrye and his Sons*, by Warren Upham; *The Mandans from the Archaeological and Historical Standpoint*, by Orin G. Libby; *The British Board of Trade and the American Colonies*, by O. M. Dickerson; *Coöperation Among Historical Agencies and Activities*

of the *Mississippi Valley*, by Charles W. Mann; *The Study and Writing of History in the Mississippi Valley*, by Clarence W. Alvord; *The Diplomatic Correspondence of Augustus Caesar Dodge*, by Louis Pelzer; and *The Sectional Elements in the Early History of Milwaukee*, by Laurence M. Larson. The second volume of the *Proceedings* is now in press.

In the October number of *The American Historical Review* J. Franklin Jameson presents a twenty page sketch of *The American Historical Association, 1884-1909*, which was doubtless written in view of the twenty-fifth anniversary of the Association which was celebrated at the last meeting. *British Druidism and the Roman War Policy* is the title of an article by W. F. Tamblyn. A discussion of *The Character and Antecedents of the Charter of Liberties of Henry I* is written by Henry L. Cannon. *The Policy of the German Hanseatic League Respecting the Mercantile Marine* is traced briefly by Ernst Daenell; and there is an interesting address on the subject of *The Share of America in Civilization*, delivered at the University of Wisconsin in June, 1909, by Ambassador Joaquim Nabuco, of Brazil. Under the heading of *Documents* may be found a number of *Papers Relating to Bourbon County, Georgia, 1785-1786*, contributed by Edmund C. Burnett.

An article of much interest to westerners is one by Reuben Gold Thwaites on the subject of *The Ohio Valley Press Before the War of 1812-15*, which is published in the *Proceedings of the American Antiquarian Society* for 1909. Not only is there an excellent discussion of the various newspapers, treating of their character and influence, but a number of facsimile reproductions of first pages add interest to the description. *Early Spanish Cartography of the New World*, by Edward Luther Stevenson, in connection with which there is given a reduced reproduction of the Wolfenbüttel-Spanish Map, is another important contribution. A sketch of *Early Commercial Providence*, by William B. Weeden; and *Three Documents of 1775* complete the contents. Under the latter heading may be found a letter from Samuel Paine to Dr. William Paine, Peter Thatcher's Account of the Battle of Bunker Hill, and a letter from Thomas Jefferson to John Page.

The Ohio Archaeological and Historical Quarterly for October is larger than usual and is filled with interesting articles. The first eighty pages are devoted to a full report of the *Second Annual Meeting of the Ohio Valley Historical Association*, which was held at Marietta, Ohio, in November, 1908. *The Development of the Miami Country*, by Frank P. Goodwin; *Auto Trip Over the Old National Road*, by Albert Douglas; *Whitelaw Reid in Columbus*, by Edward L. Taylor; *The Siege of Fort Meigs*, by Earl A. Saliers; *The Indian as a Diplomatic Factor in the History of the Old Northwest*, by Isaac Joslin Cox; and *The Useful Results of Historical Controversy*, by William Z. Davis, are all articles of more than local interest. About the only cause for regret to be found in this number of the *Quarterly* is the fact that the index to the eighteenth volume, here included, is not more comprehensive.

ACTIVITIES

The Mississippi Valley Historical Association will hold its next annual meeting at Iowa City during the last week in May.

The Ohio State Archaeological and Historical Society is engaged in the unique occupation of preparing an archaeological atlas of Ohio.

Frederick B. Richards has been chosen to fill the vacancy in the secretaryship of the New York State Historical Association occasioned by the death of Robert O. Bascom.

The annual meetings of the Texas State Historical Association are held on March 2 of each year, on the anniversary of the declaration of the independence of Texas from Mexico in 1836.

At the monthly meeting of the Louisiana Historical Society on November 17, 1909, a paper on the subject of the *History of the Jesuits' Plantation, forming part of Concession to Bienville*, was read by Charles T. Soniat.

Mr. Edgar R. Harlan has been appointed Curator of the Historical Department of Iowa. Mr. Harlan was assistant for more than a year to the late Charles Aldrich, founder of the Department, and has had charge of the work as Acting Curator since March,

1908. He is, therefore, well acquainted with the duties of the curatorship, and enters upon the work under favorable circumstances.

The State Historical Society of North Dakota is arranging a competitive contest among the school children of the various counties of the State. Prizes are offered for the best essays on the general subject of the early history of the State, local sketches being the matter chiefly desired. It is proposed also to publish the best of these essays in some form later on. The object of the Society is to create a greater interest in local history throughout the State.

The annual meeting of the Decatur County (Iowa) Historical Society was held at Lamoni on November 23, 1909. The principal address was one by Daniel F. Lambert in which he emphasized the importance of the work of the Society. The officers who served during the past year were reëlected. Reports were made on the progress of the Society, and plans were adopted looking toward the publication of certain material. It is proposed to reduce the membership fee from one dollar to fifty cents.

An interesting meeting of the Historical Society of Marshall County, Iowa, was held at the public library in Marshalltown on November 17, 1909. The papers read were as follows: *The Organization of Towns in Marshall County*, by T. P. Marsh; *The First Stores and Business Houses*, by B. A. Beeson; *Iron Foundries, Mills and Factories*, by Merritt Greene; *The First Schools and Academies*, by Mrs. A. C. Abbott; and *The Early Churches of Marshall County*, by John W. Wells. The Society has voted that in the future it will have four meetings each year.

The fifty-seventh annual meeting of the State Historical Society of Wisconsin was held on October 21, 1909. The principal address of the occasion was delivered by Professor James Alton James, of Northwestern University, on the subject of *Indian Diplomacy and the Opening of the Revolution in the West*. The report of the Secretary revealed a growth in all branches of the Society's work during the past year. The accessions to the library during the year ending September 30, 1909, amounted to over twelve thousand

titles, the principal large additions being the private libraries of the late Judge S. U. Pinney and Mrs. Anna R. Sheldon. In spite of the splendid building in which the Society is located many departments are overcrowded because of lack of space.

The Department of Historical Research in the Carnegie Institution of Washington has made considerable progress in its various lines of activity during the past six months. The work of gathering material in the German archives relative to German emigration to America has been completed by Professor M. D. Learned. A guide to the materials relating to American history to be found in Rome and other Italian archives has been prepared by Professor Carl Russell Fish. The list of Spanish archives-documents found in the United States, by Dr. J. A. Robertson, is finished; and the inventory of manuscript materials for American Protestant religious history, by Professor Allison, is nearly completed. Professor Herbert E. Bolton has also ended his investigations among the archives in Mexico.

The Kansas State Historical Society held its thirty-fourth annual meeting on December 7, 1909. A. B. Whiting was chosen President; George W. Martin, Secretary; and Lucy S. Greene, Treasurer. A site has been purchased and the contract let for excavation and foundations for a magnificent new Memorial and Historical Building, which will be the home of the Society when completed. The library now numbers over one hundred and eighty thousand titles, including bound newspapers and magazines; while the other collections of the Society in the way of archives, manuscripts, maps, pictures, and relics amount to an even larger number of items. It is interesting to note that among the recent accessions to life membership in the Society are three children, two boys and a girl, no one of whom is four years of age.

The Minnesota Historical Society has recently received some notable additions to its manuscript collection. Perhaps the most interesting is a group of about five hundred letters, papers and account books originally belonging to the pioneer trader Martin McLeod, who was a member of the Territorial Council from 1849 to 1853. These papers relate chiefly to the fur trade in the Minnesota

country. The other group consists of nearly one thousand letters and papers from the collection of Dr. Edward D. Neill, the well-known Minnesota historian. The Society has in preparation the fourteenth volume of its *Collections*. At the meeting held on December 13, the chief topic of discussion was a stone bearing runic inscriptions, purporting to date from the year 1362, which was found in Minnesota in 1898.

The third annual meeting of the Ohio Valley Historical Association was held at Frankfort, Kentucky, October 14-16, 1909. The first two sessions were devoted to a conference of college history teachers, and a conference on historical manuscript collections. At the afternoon session on October 15, the principal address of the occasion was delivered by Professor Frederick Jackson Turner, on the subject of *The Ohio Valley in the History of the Nation*. The session on Saturday morning was under the auspices of the Kentucky State Historical Society, and there were papers by Mrs. Jennie C. Morton, Professor J. E. Tuthill, and Mr. J. W. Townsend. The last session consisted of a meeting of teachers of history in the public schools in the Ohio Valley. The Association is doing much to promote interest in local history.

Perhaps the most interesting sessions of the meeting of the American Historical Association held at New York City, December 27 to 31, 1909, were those of Tuesday evening and Wednesday morning. Tuesday evening was devoted to discussions of the Work of Historical Societies in Europe, and there were reports by representatives from Great Britain, Germany, France, Holland, and Spain. On Wednesday morning there were a number of papers relating to British Constitutional Development with Special Reference to the Centenary of Gladstone. The other sessions, while not so unique, were nevertheless very profitable. At one of the conferences in connection with the meeting, Professor Edmond S. Meany read a paper on *Morton Matthew McCarver, Frontier City Builder*. McCarver was one of the founders of Burlington, Iowa, and later was a potent factor in the building of various cities in the Pacific coast States.

The Department of History of the State of South Dakota is a unique institution in its organization and work. Within the Department and under the direction of the Superintendent are five divisions: The State Historical Society, the State Library, the State Census, Vital Statistics, and Legislative Reference. The fifth volume of the *Collections* of the Department, which will be devoted chiefly to the history of capital locations in Dakota Territory and South Dakota, is in preparation. The Superintendent, Doane Robinson, delivered an address at the dedication of a monument provided by the citizens of Vermilion, on the site of the first permanent school house in Dakota. The dedication occurred August 25, the one hundred and fifth anniversary of the visit of Lewis and Clark to Vermilion. On April 1 the Department will move into quarters in the New Capitol building.

During the summer and fall the Buffalo Historical Society completed its building, which now represents a total cost of construction of over two hundred thousand dollars. In December the Society issued volume thirteen of its *Publications*. Volume fourteen which is now in press will contain among other things the correspondence of officers and agents of the Holland Land Company with De Witt Clinton and others, regarding canal construction in New York State. The letters run from 1808 to 1825, and as yet, with a few exceptions, have never been published. The originals are owned by the Society. In this volume will also be printed the journal of Colonel William L. Stone's tour from New York City to Buffalo and Niagara in 1829. Besides its regular course of entertainments for members, the Society conducts free Sunday afternoon lectures at its building, to which the public are invited. These lectures have proved very popular. It was largely due to the Society that a branch of the Archaeological Institute of America has recently been formed in Buffalo.

THE KENSINGTON RUNE STONE

Dr. Warren Upham, Secretary of the Minnesota Historical Society, sends the following report of its monthly meeting on December 13, 1909:

The discovery of the Kensington Rune Stone, its inscriptions, and the opinions concerning them, were the themes of addresses at this meeting by Hjalmar R. Holand, of Ephraim, Wisconsin; Prof. Andrew Fossum, of St. Olaf College, Northfield, Minnesota; Prof. N. H. Winchell, the former State Geologist, now archaeologist for the Minnesota Historical Society; and Dr. Knut Hoegh, of Minneapolis, who had interviewed Olof Ohman, the Swedish farmer on whose land the stone was found, and others of his neighbors, concerning the circumstances of its discovery. It was found in August, 1898, by the farmer and his son while clearing off poplar woods from a part of the farm, about three miles north of Kensington, a railway station and village in the southwest corner of Douglas county, in the western central part of Minnesota. A poplar tree growing above the stone, which lay thinly covered by the soil and with its rune inscribed face downward, had sent a root across the upper face of the stone, showing that it had lain there at least about thirty years, that is, from a time antedating the first settlements of the Scandinavian farmers in the region.

By advice of the local school-teacher, who thought the characters of the inscriptions perhaps similar to the ancient runes, the stone was soon forwarded to the professor of Scandinavian literature in the University of Minnesota and to other experts in Chicago, who recognized most of the characters as runes of the later part of the runic period. But the translation so obtained made the astonishing claim that it was the record of an exploring expedition of Norsemen, which was regarded by the translators as a sufficient proof of its being a fraud of a recent date. With this verdict, the stone was returned to Mr. Ohman, and for several years it lay neglected in his dooryard.

New interest in the stone and its inscriptions, and a gradual vindication of their probable truth, after many further adverse criticisms and discussions by runologists in this country and Europe, have come through the work of Mr. Holand, who in 1898 was graduated at the University of Wisconsin. In his researches for writing a history of Norwegian immigration to the United States, of which the first volume was published in 1908, Mr. Holand has

visited nearly all places having a considerable number of Norse settlers in the Northwest, including their communities in Douglas County, Minnesota. During these travels, in August, 1907, he learned from Mr. Ohman the facts of his finding the rune stone, and obtained it for further investigations, being persuaded that it is what its inscriptions claim.

The stone is about 30 inches long, 16 inches wide, and 6 inches thick, and it weighs about 230 pounds. It is a fine-grained gray-wacke, of dark gray color, evidently rifted from some large boulder of the glacial drift which forms the surface of all the surrounding country.

The translation of the inscription on the face of the stone in nine lines reads as follows:

“Eight Goths [Swedes] and twenty-two Norwegians on an exploring journey from Vineland very far west. We had a camp by two skerries [rocks in the water] one day’s journey north from this stone. We were out fishing one day. When we returned home, we found ten men red with blood and dead. AV.M. [Ave Maria] Save us from the evil.”

On the edge of the stone an inscription in three lines reads thus:

“We have ten men by the sea to look after our vessel, fourteen days’ journey from this island. Year 1362.”

The description of the place of their camp and fishing, and of the massacre of their comrades, a day’s travel north of the rune stone, led to much search, in the late autumn of 1909, for such a place on the numerous lakes at such a distance northward. Professor Fossum, after examining several lakes, thought the locality might be identified on the eastern part of Lake Christina. Later searches by Mr. Holand and Professor Winchell lead them to believe confidently that the runic description is better met by a spot on the southwest part of Pelican Lake, where two exceptionally large boulders at the shore line rise about six feet above the water.

Mr. Holand, in his address at this meeting, took up and answered in serial order the various objections that have been raised against the genuineness of the rune stone, classifying them as general, runic, and linguistic. The main general obstacle is the great dis-

tance inland; for when the Norsemen had colonies in Greenland from 985 A. D. through the ensuing five centuries, with expeditions thence to Vineland, identified as Nova Scotia, or perhaps eastern Massachusetts, we could somewhat readily accept a runic record if it were found near our northeastern coast.

Professor Fossum set forth a very interesting theory of the probable route of this exploring expedition, sailing from some part of our North Atlantic coast through Hudson Strait and by leaving their vessel, as we may suppose, near the mouths of Nelson and Hayes rivers, ascending with small and portable boats or canoes to Lake Winnipeg, thence up the Red River to its first series of strong rapids and falls, terminating a few miles below Fergus Falls, Minnesota, and thence crossing the country, probably by streams, small lakes, and portages, some twenty miles south-eastward to Pelican Lake. In the long days of summer, when fifteen working hours or more may be rated for a day, and not counting time lost by stormy weather and by halts for rest and for fishing and hunting, it may be accepted that fourteen such long days of rapid canoe travel would suffice for the whole inland journey.

Professors Fossum and Winchell and Dr. Hoegh agreed with Mr. Holand in regarding all objections thus far made against the rune stone as answerable by attributing the inscriptions to a Swedish priest or scribe accompanying the expedition. Mr. Holand cited official memoranda showing that the Scandinavian home government in the year 1355 sent out a vessel with a commission to explore the lands west of Greenland, and that it returned in 1364; but no European record of the regions visited appears to be extant.

This rune stone probably almost five and a half centuries old, has been deposited by Mr. Holand in the Museum of the Minnesota Historical Society in the new fire-proof Capitol.

THE STATE HISTORICAL SOCIETY OF IOWA

Mr. E. H. Downey's *History of Labor Legislation in Iowa* is now in press.

Dr. John C. Parish is engaged in gathering material relative to the early history of Dubuque and other cities on the eastern border of Iowa.

Among the accessions to the library of the Society during the past quarter are nearly three hundred volumes from the library of the late Judge Samuel H. Fairall.

A life of *John Chambers*, the second Governor of the Territory of Iowa, written by Dr. John C. Parish, will be ready for distribution in the near future.

The Society has recently issued a new volume in the *Iowa Biographical Series*. Mr. Harvey Reid, of Maquoketa, is the author of the volume which is a life of *Thomas Cox*, a pioneer Iowa legislator.

On the evening of December 3, 1909, Dr. Benj. F. Shambaugh delivered an address on *Commission Forms of Municipal Government* before the Minnesota Academy of Social Sciences at Minneapolis.

It is planned to hold a meeting of the Society during the last week in May, in connection with the annual meeting of the Mississippi Valley Historical Association. A splendid opportunity will be afforded to hear speakers of national reputation, and to gain inspiration from conferences on various phases of historical work.

The following persons have recently been elected to membership: Dean Wm. G. Raymond, Iowa City, Iowa; Hon. Ralph Otto, Iowa City, Iowa; Hon. E. D. Chassell, Des Moines, Iowa; Justice Horace E. Deemer, Red Oak, Iowa; Mr. Raymond B. Leland, Cedar Falls, Iowa; Dean C. E. Seashore, Iowa City, Iowa; Hon. James S. Clarkson, New York City; Hon. H. W. Byers, Des Moines, Iowa; Mr. C. H. Crowe, Clarion, Iowa; Mr. Charles F. Huebner, Jr., Iowa City, Iowa; Judge Emlin McClain, Iowa City, Iowa; Mr. William Hamill Tedford, Corydon, Iowa; Mr. O. M. Gillett, Independence, Iowa; Hon. Frank P. Woods, Estherville, Iowa; Hon. George Cossion, Des Moines, Iowa; Col. G. W. Crosley, Des Moines, Iowa; Hon. L. E. Francis, Spirit Lake, Iowa; Mr. W. R. Huntington, New York City; Mr. O. L. Keith, Iowa City, Iowa; Mrs. Clara A. Neidig, Des Moines, Iowa; Hon. C. H. Van Law, Marshalltown, Iowa; Mr. John I. Mullany, Dubuque, Iowa. Mr. J. A. Green of Stone City, Iowa, was elected to life membership.

NOTES AND COMMENT

The twelfth annual convention of the League of Iowa Municipalities was held at Fort Dodge on September 21-23, 1909.

Arrangements are being made for an All-American Exposition to be held at Berlin in the heart of Europe during the coming summer.

A number of documents and papers relating to the history of the fur trade in the Michigan country have recently been added to the Burton Library.

A joint conference of the American Civic Association and the National Municipal League was held at Cincinnati, Ohio, November 15 to 18, 1909.

The fifteenth annual meeting of the Central Division of the Modern Language Association of America was held at Iowa City, December 28-30, 1909.

The twentieth annual meeting of the Iowa Library Association was held at Des Moines, October 12-14, 1909. Mr. Irving B. Richman, of Muscatine, was elected President for the ensuing year.

The legislature of the State of Indiana at its last session failed to make an appropriation for carrying on the work of the Department of Indiana Archives and History after the close of the present fiscal year.

A notable archaeological discovery has been made in Arizona by Professor Edgar L. Hewett. In an unfrequented part of the Navaho reservation he found a series of caves cut in the rocky walls of a cañon. These caves are filled with all sorts of interesting archaeological remains.

The League of American Municipalities held its annual meeting at Montreal during the last week of August. The commission form of city government was the principal topic of discussion. St. Paul

has been selected as the place of the next meeting, and the officers for the ensuing year are Alderman David Heineman of Detroit, and Mr. John MacVicar of Des Moines, as President and Secretary respectively.

The efforts of Illinois to secure a primary election law that will stand the test of constitutionality have thus far been unsuccessful. The law of February, 1908, has been declared unconstitutional by the Supreme Court of the State, making the third law of this nature to receive an adverse decision in four years.

A joint meeting of the Iowa Society of the Archaeological Institute of America, The Iowa Anthropological Society, and The Iowa Branch of the American Folk-Lore Society was held at Iowa City, November 26 and 27, 1909. The principal addresses were: *New Light from Old Lamps*, by Rev. J. George; and *The Story of the Isle of Man*, by Mrs. A. M. Mosher.

A Bureau of Municipal Reference has recently been established in connection with the University extension work of The University of Wisconsin. The purpose of this bureau is to collect and make accessible all sorts of material relative to municipal problems. Lecturers will also be prepared to supply the demands for lectures on various subjects of municipal activity.

The American Historical Association and the American Economic Association celebrated their twenty-fifth anniversaries at the annual meetings held in New York City, December 27 to 31, 1909. Meetings of the American Political Science Association, the American Statistical Association, the American Sociological Society, the American Association for Labor Legislation, and a number of other associations and societies were held at the same time and place. It was a notable gathering which should be productive of much good in the various lines of activity which the different bodies represent.

Azro B. F. Hildreth, a pioneer Iowa editor, died at his home in Charles City on November 29, 1909. Mr. Hildreth was born in Chelsea, Vermont, February 29, 1816, and came to Iowa in 1856. For fourteen years he was the editor of the *Charles City Weekly Republican-Intelligencer*. In 1870 he retired from newspaper work

and the remainder of his life was spent in looking after the interests of his estate. During these years, by his benefactions and business enterprise, he was a potent factor in the growth of Charles City. Mr. Hildreth was the author of *The Life and Times of Azro B. F. Hildreth*, a book containing material of value to the student of Iowa history.

COMMENTS ON "THE BATTLE OF SHILOH"

It is not often that a writer of history succeeds in being so accurate in his presentation of facts and so fair and non-partisan in his judgments as to satisfy those who either as participants in or as living witnesses of the events described have or believe they have first-hand information. Mr. J. W. Rich is, therefore, to be congratulated upon the comments which have followed the publication of his account of *The Battle of Shiloh* which appeared in the October, 1909, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

Upon the request of the editor of THE IOWA JOURNAL OF HISTORY AND POLITICS permission has been secured to publish extracts from a few of the letters which have come to the author of *The Battle of Shiloh*. With but one exception the letters from which the following extracts are taken were addressed to Mr. Rich.

HEADQUARTERS DEPARTMENT OF THE LAKES,
CHICAGO, ILL., Nov. 8, 1909.

MY DEAR SIR:

I hasten to thank you for the pamphlet on "The Battle of Shiloh" which has just been received. I have already glanced through it, and have read a few pages which have proved most interesting to me, and confirm the story of that great battle as I have heard it described by my father and General Sherman, as well as by many others who participated on that field.

I shall treasure your pamphlet among the archives of my family, and it will occupy an honored place in my library.

With many thanks for your kind thought of me and for your labor of love in placing the history of our country in a true light, believe me,

Very gratefully and sincerely yours,

FREDERICK D. GRANT.

P. S. Some time I hope to write my recollections of my father and would like to quote your pamphlet (possibly in full), of course giving you credit. May I do so?

F. D. G.

[Second Letter]

CHICAGO, ILL., Dec. 18, 1909.

DEAR SIR:

I read your article with the greatest interest and consider it the best conceived and most complete article on that battle of any I have ever seen, and I am very grateful to you for having written it.

Believe me,

Most sincerely yours,

FREDERICK D. GRANT.

[Frederick D. Grant is the son of General U. S. Grant and is Major General in the U. S. Army.]

COUNCIL BLUFFS, IOWA, Dec. 13, 1909.

MY DEAR COMRADE:

I received your pamphlet on the Battle of Shiloh. I had already read it in the Historical Quarterly that had been sent to me, and I read it the second time. It is one of the best and clearest statements of the Battle that I have ever seen. It is especially so on account of its maps. I have read, of course, nearly all the statements in relation to the battle that have been published, and also those of Secretary Reed, and I have also heard Generals Grant and Sherman discuss the battle very freely. . . . You make so clear in your paper the reason why there were so many men at the Landing than others called stragglers and people who had run away from the front, that it shows very plainly that the great bulk of the troops on the field stood by their work and were in line when the battle ended. . . .

Thanking you heartily for the pains you have taken to investigate the subject and make it a matter of record, which is a good companion of Reed's book, I am,

Truly and cordially,

G. M. DODGE.

[Major General Grenville M. Dodge rendered conspicuous service throughout the Civil War, resigning March 1, 1866.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI, OMAHA, NEBRASKA.

Nov. 28th, 1909.

MY DEAR MR. RICH:

Your Battle of Shiloh came in due time and was perused with intense interest from start to finish. It is by far the best and truest account that I have seen. The public, all who value truth in history, and all survivors of that great battle are indebted to you immeasurably. It has taken fifty years to get the truth before the public, refute the lies about, and correct the erroneous impressions of the circumstances of the battle. . . .

Faithfully,

CHAS. MORTON.

[Brigadier General, U. S. Army. Now commanding Department of the Missouri, Omaha, Nebraska. Was a private in the 25th Missouri Infantry, and was in the battle of Shiloh from opening to close.]

DEPARTMENT OF THE INTERIOR
BUREAU OF PENSIONS

CHICAGO, ILL., Nov. 28, 1909.

MY DEAR COMRADE RICH:

Last night, I went through it carefully, from start to finish. . . . and it stirred up such a flood of recollections, that I was afraid I never would go to sleep. I congratulate you most heartily on your effort, and consider your paper a very valuable addition to "the collections of Shiloh" There is much in your paper that is comparatively new, or at least the facts are presented in a new light.

Very truly your friend,

JOHN H. STIBBS.

[Colonel 12th Iowa Infantry and Brevet Brigadier General. Only surviving member of the Court that tried Gen. Wurz.]

PITTSBURG LANDING, TENN., Nov. 26, 1909.

DEAR COMRADE RICH:

My honest "unbiased opinion" is that your book makes many disputed points clear, and would convince any unprejudiced mind. . . .

D. W. REED.

[Secretary and Historian Shiloh National Military Park Commission. Major of the 12th Iowa Infantry.]

RUTLEDGE, MO., November 11th, 1909.

MY DEAR COMRADE:

Your Shiloh book received. The most authentic and valuable writing about the Battle that it has ever been my pleasure to read. Such a contrast from most of the misinformation heretofore written. You deserve the thanks of every survivor for the clear, comprehensive, and accurate way in which you tell the story. I have written some on the subject myself, and have read every scrap I could get hold of on the subject. But your book is, in my judgment, the best, the *very best*, that has ever appeared in print. . . .

Yours Fraternally,

T. W. HOLMAN.

[Member of Company B, 21st Missouri Infantry. Commander of National Association of Battle of Shiloh Survivors.]

BOSTON, Dec. 28, 1909.

DEAR SIR:

I have read over, carefully, your paper on the battle of Shiloh; and what has particularly appealed to me is the prominence you have given to the part that Gen. Halleck's peremptory orders "to do nothing to bring on a general engagement" did in preparing for the mischief of the first day's battle. . . . I congratulate you upon the general soundness of your views with regard to the occurrence of the battle. . . .

Yours very truly,

FRANK E. PEABODY.

[Nephew of Colonel Peabody, commanding 1st Brigade, Prentiss's division.]

IOWA CITY, IOWA, 11/10/1909.

DEAR COMRADE:

I have received your admirable brochure on the Battle of Shiloh. I have read it, and my heart burned within me as your words so graphically, so accurately, so fully and yet so modestly pictured to my mind those scenes that tried men's souls.

I am especially thankful for the citations and explanations, drawn from Confederate reports which I had not before read. . . . Your defense of General Grant is powerful and timely, though modest and often unintentional.

Yours in F. C. L.

[Captain] E. H. ELY.

IOWA CITY, IOWA, November 22, 1909.

MY DEAR RICH:

Allow me to thank you for "The Battle of Shiloh". I read and read it again and shall still read it. It contains facts not found elsewhere. For your labor and research the public owe you a debt of gratitude.

To the old soldier who knows of Shiloh, it reads like a leaf from his own life. . . . I thank you, also congratulate you.

ELMER F. CLAPP.

MANCHESTER, IOWA, Dec. 5, 1909.

DEAR COMRADE RICH:

I am very thankful for the pamphlet, for I feel certain that it will do some good. I would like to see 100,000 copies or more distributed through the country.

Fraternally yours,

R. W. TIRRELL.

[Second Letter]

The paper is certainly the most lucid, unbiased, straight forward and complete article I have ever read on the battle of Shiloh. . . .

R. W. TIRRELL.

[Sergeant Company F., 12th Iowa Infantry.]

IOWA STATE LIBRARY, DES MOINES.

Dec. 23, 1909.

MY DEAR MR. RICH:

Thanks to you, I now see for the first time the battle as a whole. Your method may not be original, but it certainly is in its application to Shiloh. . . . You have enabled your readers to see all sides of disputed questions and to judge intelligently, not only as to the so-called "surprise" on Sunday morning and the closing of the Sunday night battle, but also as to the relative claims and assertions of Grant, Buell, Lew Wallace, and others. No student of history can afford to ignore your judicial estimate of this historic battle, fortified as it is at every point by authorities. . . .

Yours very truly,

JOHNSON BRIGHAM.

[State Librarian of Iowa]

VINTON, IOWA, Nov. 13, 1909.

MY DEAR COMRADE:

I have read and read The Battle of Shiloh with intense interest. . . . I have read everything that I could get bearing upon that battle. Your account is the best. . . .

As ever yours,

[Captain] HENRY M. WILSON.

CLERMONT, IOWA, Dec. 15, 1909.

MY DEAR RICH:

The Battle of Shiloh I have read and re-read with much interest. I am glad indeed that you have written it. It gives, with the maps, the most comprehensive description of the battle that I have read. . . .

Yours truly,

[Ex-Governor] WM. LARABEE.

DES MOINES, IOWA, Dec. 15, 1909.

HON. B. F. SHAMBAUGH:

I consider the article on The Battle of Shiloh, by Mr. Rich, a valuable contribution to military history. I was through both days of that great battle. Commanded my regiment from 3 p. m. of April 6th to the close of the battle the next day. . . .

Yours very truly,

[Colonel] G. W. CROSLY.

FAYETTE, IOWA, Nov. 15, 1909.

MY DEAR COMRADE:

I received your Battle of Shiloh read and read and studied the maps as never before. . . . All that is worrying me now is, that you or some other mortal did not do this very same thing forty years ago, so that the "boys" could have had the pleasure of *knowing* the facts. . . . I hope the book may go forth as thick as Autumn leaves, everywhere, till *all* may *know* the facts. . . . Our State is able to pay for the dissemination of the truth. . . .

Very truly yours,

G. E. COMSTOCK.

[Corporal Company C., 12th Iowa Infantry.]

PHILADELPHIA, December 13, 1909.

MY DEAR SIR:

Whosoever has had the thoughtfulness to send me this paper has conferred an obligation. It shows an absolutely open mind and a very careful study of that memorable conflict. . . . I have always looked upon the stand of Stuart's Brigade as being of vital importance, and I am glad to see that you recognize it also. I do not know that I have read any paper or historical account of the battle which puts the error of those who claim that the army was demoralized by the first attack so conclusively. . . .

Very truly and respectfully yours,

WALTER GEORGE SMITH.

[Son of Thomas Kilby Smith, Colonel 54th Ohio—Stuart's Brigade.]

WASHINGTON, IOWA, Dec. 7, 1909.

DEAR RICH:

I got your able article and finished reading it with great satisfaction. . . . — clear, thorough, convincing — and the very best thing I ever read on that battle. I had, until I read your proofs, always believed we were “surprised” there, but you converted me. I am very much obliged for this favor. . . .

HOWARD A. BURRELL.

[Editor of the *Washington Press* (Iowa).]

ELDORA, IOWA, 11/17/09.

DEAR SIR:

It is the best by far that I have ever seen. The maps give a clear idea of the battle. . . . Shiloh was the most desperate and the most lied about battle of the whole war.

WALTER HARNED.

[An Illinois soldier in the Civil War.]

LAKE CHARLES, LA., Nov. 18, 1909.

DEAR MR. RICH:

I found every page of the article extremely interesting and was impressed, after reading every page, with the amount of labor . . . devoted to reading and searching out your authorities. I am sure it will be looked upon as one of the most valuable contributions to the history of that event. . . .

Yours very truly,

FRANK ROBERTS.

IOWA CITY, IOWA, Nov. 13, 1909.

DEAR MR. RICH:

You are to be congratulated on making plain a much discussed subject. . . .

Very truly yours,

L. M. HASTINGS.

NEW YORK, Nov. 12, 1909.

MY DEAR MR. RICH:

I am very glad to see that you are making such a valuable contribution to the truth of history. It is a great pity that wrong impressions once started, however important the topic, seem never to get fully corrected. This, of course, is only another way of saying that truth never catches up with a lie. . . .

Yours sincerely,

GEORGE F. PARKER.

CONTRIBUTOR

KENNETH W. COLGROVE, Scholar in the Department of Political Science at The State University of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for April, 1909, p. 328.)

THE IOWA JOURNAL OF HISTORY AND POLITICS
APRIL NINETEEN HUNDRED TEN
VOLUME EIGHT NUMBER TWO

PROPOSED CONSTITUTIONAL AMENDMENTS IN IOWA 1857-1909

In a previous paper ¹ it was shown by the writer that any alteration of the Constitution of 1846 remained difficult of accomplishment so long as the majority of members in both houses of the legislature was Democratic. The leading principles of the Democratic party had been embodied in the Constitution, the very existence of which as a partisan creation depended upon the maintenance of the supremacy of its creators in the legislative branch of the State government. There was no danger of revision or amendment, since the Constitution conferred upon the legislators the right of initiative: it was for them as the guardians of the fundamental law to decide whether the question of calling a convention to alter that law should or should not be voted on by the electors of the State. But when legislative supremacy in the General Assembly passed into the hands of the Whig party, the question of amending the Constitution was naturally answered in the affirmative, and a constitutional convention was soon called into existence.

The Constitutional Convention of 1857 completed its work within two months: the results of its debates are summarized in the present Constitution, the provisions of which, though party-made, were broad enough to meet with the approval of a majority of the voters in 1857.

¹ *Proposed Constitutional Amendments in Iowa: 1836-1857*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VII, pp. 266-283. In this article the writer treated proposed amendments to the First State Constitution. The value of such researches lies, as Professor Herman V. Ames well says, "in the fact that they are indices of the movements to effect a change, and to a large degree show the waves of popular feeling and reflect the political theories of the time."

The Constitution of 1846 had provided for only one method of amendment or revision — which was difficult and expensive, and consequently productive of keen dissatisfaction among delegates of the Convention of 1857. The tenth article of the new Constitution is an improvement on the corresponding provisions of the old Constitution since it makes provision for two methods.² In the first place it empowers the General Assembly to take the initiative at any time: if a majority in both houses favors a proposed amendment and the succeeding General Assembly ratifies their action, the amendment is submitted to the electors for final approval. When several proposed changes are submitted together, each must be voted on separately. If the members of the General Assembly assume an attitude of superior wisdom or indifference and conclude that the popular demand for constitutional reform is unreasonable and unwarranted, the Constitution guarantees a second method of amendment whereby the electorate is given an opportunity to vote on the question of a constitutional convention. By this automatic machinery the people are enabled to register their wish every tenth year — a precaution designed to prevent permanent hostility or apathy on the part of the legislature.³

Supplementary to the provisions of the Constitution the General Assembly has passed acts prescribing the course of action necessary to refer proposed amendments to the people. Before 1876 whenever any proposition to amend the Constitution was accepted by the General Assembly, in conjunction with the act or resolution to amend or in a separate act, provision was made for its reference to the

² See Horack's *Constitutional Amendments in the Commonwealth of Iowa*, in the *Iowa Historical Record*, Vol. XVI, No. 2, in which are discussed the manner and significance of amending the Constitution.

³ Thus far public opinion as expressed through the ballot-box has not favored the calling of a constitutional convention.

next General Assembly, its publication by the Secretary of State, and its submission to a vote of the people.⁴ But the Sixteenth General Assembly passed and the Nineteenth amended and enlarged an act of general application to all proposed amendments. This law very explicitly provides for the proper publication of proposed amendments: it requires the Secretary of State to select two newspapers of general circulation in each of the eleven congressional districts, in which he shall cause the proposed amendment to be published for three months before the election of members of the next General Assembly. It also requires the Secretary to record and preserve in a special book the publishers' affidavits of publication and his own certificate of the selection of newspapers so that the next General Assembly may have proof of compliance with the law. The law at present provides for publication once a week.⁵

Furthermore, when a proposed amendment has been adopted by two successive General Assemblies, unless the last General Assembly has fixed a special time for its submission to the voters, the amendment shall be voted on at the next general election, and the returns of the vote shall be declared by the Board of State Canvassers and entered in the Secretary's book. But whether the proposed amendment is to be submitted at a special or at a general election, the Governor must include it in his election proclamation. All expenses incurred in carrying out the foregoing provisions are to be audited and allowed by the Executive Council and paid out of State money not otherwise appropriated.⁶

In this paper it is thought best to present proposed

⁴ *Laws of Iowa*, 1866, p. 108; 1868, p. 93; 1870, p. 231; 1874, p. 85.

⁵ *Laws of Iowa*, 1904, p. 2.

⁶ *Laws of Iowa*, 1876, p. 99; 1882, p. 8. See also *Code of Iowa*, 1897, Sections 55 to 59.

amendments not in their chronological order but rather in the order of the twelve articles of the Constitution. Thus, all proposals to amend Article I of the Constitution will be disposed of first, then all desired alterations of Article II will be discussed, and so on. This method will not only simplify the arrangement of the subject matter and prevent undue repetition, but will also facilitate parallel reference to the Constitution itself.

PROPOSED AMENDMENTS TO ARTICLE I

EVIDENCE IN COURTS OF JUSTICE

To the minds of many the Bill of Rights of the Constitution of 1857 presented some rather glaring defects — particularly Section 4. A bill was therefore formulated in 1858 urging the omission of the words “and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case.”⁷ This clause had been fully debated in the Convention of 1857; and its acceptance was significant in that it would prevent legislation to deprive negroes, and perhaps Indians, of the right to give testimony in courts of law. A resolution of the legislature in 1860 explicitly urged that negroes and mulattoes be prohibited from giving evidence in courts of justice. In each case, however, the committee report of indefinite postponement was approved.⁸

⁷ Original House File No. 283. The writer visited the Archives Department at Des Moines and there consulted the original House and Senate files to determine the nature of a few proposed amendments not fully recorded in the printed *Journals*. The search for these early files proved to be only partially satisfactory, since many of the bills seem never to have been preserved. It is, therefore, impossible to give the details of all proposals in these pages.

⁸ *Journal of the Constitutional Convention*, 1857, pp. 244, 247, 257. *House Journal*, 1858, pp. 557, 755; 1860, pp. 125, 191.

TRIAL BY JURY

The ancient English right of trial by jury, though time-honored and sacred, did not escape the watchful solicitude of would-be constitution reformers in Iowa, to whom this "bulwark of our liberties" seemed moss-grown and incapable of meeting the demands of modern times. As an institution, therefore, the jury system has called forth considerable criticism, and has found its way into the records of nearly every General Assembly since 1860.

First of all it is well to enumerate the objections to Section 9 as offered in three successive General Assemblies. In the Senate of 1874 a proposed amendment gave the legislature authority to legalize trial by a jury of less than twelve men, two-thirds of whom might render a verdict. A resolution two years later explained the desired change. It was declared that a system which required "a unanimous agreement of the jury in order to reach a verdict is contrary to the spirit of a republican form of government, whose boast is that the majority shall rule." Surely a system which permitted "the will of one man to thwart and set at defiance the will of eleven is unjust, arbitrary and opposed to all the dictates of reason", since it constantly thwarted the ends of justice and provoked needless and expensive litigation: a change should be made in the Constitution empowering the majority of a jury to render a verdict in all district, circuit, and justice courts of the State. The House of Representatives in 1878, by a decisive vote, resolved to strike out the words "in inferior courts" and to insert "and may also authorize verdicts to be rendered by less than the whole number of jurymen in civil cases"; but the Senate postponed the resolution indefinitely.⁹

⁹ *Senate Journal*, 1874, p. 317; and 1878, pp. 227, 253. *House Journal*, 1876, p. 20; and 1878, pp. 143, 146, 191, 307, 310, 311. Governor Carpenter

Amendments proposing to strike out the words "in inferior courts" failed in both houses in 1888 and 1894. One amendment provided that the trial or petit jury for trials in all civil and criminal cases should be composed of six competent jurors, four of whom might find and return a verdict, except that the verdict must be unanimous in criminal cases in which the offence charged is a felony. Senate resolutions of 1896 and 1898, to enable a majority of the jurors to render a verdict, never got beyond the committee stage.¹⁰

SECTION 11 — THE GRAND JURY

In the year 1860 came a proposal to abolish the grand jury. "Our present judicial system so far as it recognizes the necessity of the interposition of grand juries in order to [institute] criminal prosecutions is based on an old English custom; the reasons for which, however good in England, do not exist under our form of government". The belief was frankly expressed that the grand jury is not only useless and expensive, but contrary to the "genius of our free institutions, and opposed to the spirit of law reform, manifest both in Europe and this country". Since there was some doubt, as to whether the desired reform was an infringement upon the Federal Constitution, the Committee on Constitutional Amendments was instructed to inves-

in his second biennial message included the following on the jury system:—"Entertaining as I do the profoundest veneration for this legacy of our ancestors, I yet do not think it beyond the reach of improvement. The requirement of unanimity in a jury in order to a verdict I can not but look upon as an antique absurdity, which has too long fettered the administration of justice. I therefore recommend that steps be taken to do away with the requirement, and thus to conform our jury system more nearly to modern ideas, and practical common sense."—See Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, p. 171.

¹⁰ *House Journal*, 1888, pp. 156, 315, 548; and 1894, pp. 309, 458, 474. *Senate Journal*, 1888, pp. 294, 426; 1894, pp. 35, 80, 94, 111, 793; 1896, pp. 368, 733; and 1898, pp. 451, 717.

tigate and report at an early day. This committee submitted a bill which was immediately read three times and passed in the House of Representatives, but was not approved by the Senate.¹¹

Ten years later it was proposed to strike out the words "and no person shall be held to answer for any higher offense unless on presentment or indictment by a grand jury", except in certain cases mentioned, and to insert instead "And the General Assembly shall provide for the commencement of proceedings against persons charged with higher criminal offences, either by presentment, or by information, or by other proceedings before a judicial officer." Two years later this proposal in almost the same words seems to have passed in the Senate — the House of Representatives certainly rejected it.¹²

In 1874 the House Committee on Constitutional Amendments recommended the adoption of an entirely new section which reads:—"All offenses less than felony, and in which the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days, shall be tried summarily before a justice of the peace, or other officer authorized by law, on information under oath, saving to the defendant the right of appeal. All other offenses shall be tried in such manner as the General Assembly may prescribe." This resolution re-appeared in the Senate in 1876, with the exception of the last sentence, for which was substituted the words "and no person shall be held to answer for any higher criminal offense unless held to answer by a magistrate after an investigation according to law by such magistrate; except in cases arising in the army and navy, or in the militia, when in actual service, in time of war, or

¹¹ *House Journal*, 1860, pp. 120, 620. *Senate Journal*, 1860, p. 739.

¹² *House Journal*, 1870, p. 209; and 1872, p. 530. *Senate Journal*, 1872, pp. 46, 177, 333.

public danger, and all criminal prosecutions shall be conducted without presentment, indictment, or the intervention of a grand jury." This proposal met the same fate as the one passed by the House of Representatives: both died in the Senate.¹³

A resolution in terms almost identical with those mentioned above came before the House of Representatives in 1878, and after adoption by that body received unfavorable attention in the Senate. The resolution of 1880 failed also.¹⁴

SECTIONS 18 AND 22

At the election in November, 1908, the electors cast a majority vote in favor of an amendment making it possible for the General Assembly to permit land-owners to construct drains and ditches across the lands of others. The resolution favoring this amendment had been passed almost unanimously by three successive General Assemblies.

Both houses of the legislature passed and forwarded to Congress a joint resolution and memorial on the evils of permitting non-resident aliens to own lands in the United States. An amendment to the Federal Constitution was required before anything could be done in Iowa.¹⁵

¹³ *House Journal*, 1874, pp. 135, 161, 168, 176, 410, 465; and 1876, pp. 391, 611. *Senate Journal*, 1876, pp. 51, 167, 214, 513.

¹⁴ *House Journal*, 1878, pp. 21, 35, 308; and 1880, pp. 32, 79. *Senate Journal*, 1878, pp. 28, 115, 203; and 1880, pp. 53, 155, 383, 387. On page 310 of the *House Journal*, 1878, there is a record of an almost unanimous vote in favor of striking out the word "indictment" wherever it occurs in the Constitution.

Before the adoption of Amendment 3 of 1884 there was nothing in the Constitution to limit the size of the grand jury. In 1880 a proposal was made to fix the limits at the present numbers 5 and 15, and also to provide that the General Assembly might do away with the grand jury in all criminal cases. — *House Journal*, 1880, pp. 43, 168; 1882, pp. 54, 295; and 1884, p. 525. *Senate Journal*, 1882, p. 459; and 1884, pp. 158, 279, 338.

¹⁵ *House Journal*, 1904, pp. 603, 857, 1005, 1106; 1906, pp. 110, 219, 262, 272; and 1907, pp. 136, 624, 709. *Senate Journal*, 1904, pp. 914, 954, 956; 1906, pp. 249, 691, 989; and 1907, pp. 615, 939, 1083. See also THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VII, p. 391.

SECTION 26 — LIQUOR PROHIBITION

Liquor legislation in Iowa has been ably discussed by Mr. Dan E. Clark in a series of articles which appeared in THE IOWA JOURNAL OF HISTORY AND POLITICS. For more than thirty years a bitter fight has been waged to wipe out the liquor business either by ordinary legislative enactment or by amendment to the Constitution; but thus far local restriction only has been secured. The following summary of proposals to amend the Constitution by the addition of another section may be regarded as supplementary to what has already been written on the definite results of liquor legislation.¹⁶

In 1868 a committee of the House of Representatives recommended that there be laid on the table a resolution proposing an amendment to prohibit "the sale of intoxicating liquors, beer and wine."¹⁷

In 1880 the lower house of the legislature took the first step toward procuring the famous prohibitory amendment of 1882, the legislative history of which may very properly be narrated in full.

The House of Representatives by a decisive vote adopted the majority report of its committee in favor of the following proposed amendment: "No person shall hereafter manufacture, sell or keep with intent to sell, within this State, any alcoholic, distilled, brewed, fermented or vinous liquors, except for medical and mechanical purposes." A motion to substitute the word "intoxicating" for the five qualifying adjectives was rejected, as was also a provision "that nothing herein contained shall prohibit the manufacture and sale of beer, or wine or cider from fruit grown

¹⁶ For *The History of Liquor Legislation in Iowa*, by Dan E. Clark, see THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. V, p. 193; and Vol. VI, pp. 55, 339, 503.

¹⁷ *House Journal*, 1868, pp. 221, 567.

within this State." Likewise two substitutes for the original joint resolution were offered and defeated: one of these proposed to authorize the electors of each organized county to regulate or prohibit the manufacture and sale of intoxicating liquors; and the other urged that the "manufacture and sale of all spirituous, vinous and malt liquors, including wine and beer, shall be regulated and controlled by a general license law."

The House resolution underwent some change in the Senate. Here an amendment was offered so as to allow "the manufacture and sale of beer, cider from apples, or wine from grapes, currants or other fruits grown in this State." This, as well as a provision to allow the sale of beer, cider and wine manufactured in Iowa, and numerous other motions to amend were lost; but the word "medical" was changed to "medicinal" and the words "sacramental" and "culinary" were inserted, while the phrase "for sale" was accepted to qualify "manufacture". The words "chemical" and "scientific", the phrase "and for exportation", and the substitute resolutions to forbid the passage of any law authorizing the licensing of the sale of intoxicating liquors and to empower each county or city of the first or second class, and cities acting under special charters, or incorporated towns to license and regulate the sale of liquor failed, and finally the Senate accepted a substitute resolution which reads as follows:—"No person shall manufacture, for sale, or sell or keep for sale as a beverage, or to be used, any intoxicating liquor whatever including ale, wine and beer. The General Assembly shall by law prescribe regulations for the enforcement of the prohibitions herein contained, and shall thereby provide suitable penalties for the violations of the provisions hereof."

Such, in short, was the formula of prohibition as evolved in the General Assembly of 1880. Both houses of the leg-

islature in 1882 indulged in a heated discussion and ratified the amendment. And yet, despite the fact that the electorate overwhelmingly ratified this amendment, the State Supreme Court discovered a technicality which sufficed to kill the measure.¹⁸

Since 1882, when a prohibitory amendment so narrowly missed becoming a part of the fundamental law of Iowa, the legislature seems to have contented itself pretty much with the control and regulation of the liquor business by law, although the desire for a constitutional amendment has never been wholly dead. In 1884, for instance, the wording of the resolution left no doubt but that extreme prohibition was aimed at: the manufacture, sale, exportation and keeping of intoxicating liquors was to be forbidden, "except for mechanical, medicinal, sacramental, and scientific purposes." Without adopting this resolution, however, the

¹⁸ *House Journal*, 1880, pp. 83, 95, 103, 106, 136-139, 470, 486, 503; and 1882, pp. 180, 197, 208-212, 440. *Senate Journal*, 1880, pp. 149, 205, 250-256, 263, 315-317, 321, 323, 324; and 1882, pp. 113, 127, 159-161, 170, 172, 213, 240, 249-253, 256, 257, 265, 322, 486, 498, 501.

In the minority report of 1880 the proposed amendment was attacked because "the twenty-five years' history and experience with unfriendly prohibitory legislation in Iowa" had clearly demonstrated that such laws had not diminished intemperance, and besides it was already an inherent power of the legislature to regulate or prohibit the traffic in liquor by law; a power which had been invoked in Iowa for a quarter of a century. In short, the amendment could not "change the habits, thought, opinions, and tastes of a people."

On the minutes of the Senate of 1882 we find two futile resolutions, one relative to the duty of members in the matter of ratifying or rejecting the work of their predecessors and the other relative to the proposed "benign and beneficent policy" of protecting the people of Iowa "from all the evils of the liquor traffic while it reserves to them the profits of its manufacture for export purposes", a policy "fully sustained by the Mosaic law as found in Deuteronomy, 14th chapter and 21st verse as follows: 'Ye shall not eat of anything that dieth of itself; thou shalt give it the stranger that is in thy gates that he may eat it; or thou mayst sell it unto an alien.'"

The Senate also passed a resolution declaratory of its construction of the proposed amendment, and the House of Representatives printed in its journal the minority report setting forth at length numerous objections to the amendment.

Representatives showed their mettle by inviting a committee of the Woman's Christian Temperance Union to take seats on the floor of the House.¹⁹

In 1890 the lower house referred to its committee an amendment to prohibit "the manufacture, or keeping with intent to sell, or selling of any intoxicating liquors whatever, including ale, wine and beer, for use as a beverage," except for mechanical, scientific, chemical, medicinal, sacramental, culinary and art purposes, if so desired. The Senate then adopted and passed by a narrow margin a substitute amendment forbidding, except for certain purposes, the manufacture, sale and keeping for sale of all intoxicating liquors. The same amendment came before the Senate in 1892 when it received a hostile report at the hands of a majority of the committee, but the minority expressed a belief "that whenever it appears that it is the desire of a large number of the legal voters of the State to have an amendment to the Constitution submitted to a vote of the people, it is the duty of the General Assembly to submit the amendment to a vote of the people, no matter what the individual views of the members of the General Assembly may be." Not only did this amendment fail in the Senate but such was the fate also of the amendment which passed the lower house in words almost entirely identical. The minority of the House committee believed the resolution to be but a dilatory measure to evade and delay for two years more the relief which the people demanded and expected immediately from statutory enactments.²⁰

¹⁹ *House Journal*, 1884, pp. 34, 35. This committee presented to Speaker W. P. Wolf a "beautiful floral mallet" with the following communication: "Judgment also will I lay to the line, and righteousness to the plummet, and the hail shall sweep away the refuge of lies, and the waters shall overflow the hiding place."

²⁰ *House Journal*, 1890, p. 299; and 1892, pp. 311, 364. *Senate Journal*, 1890, pp. 336, 639, 730, 752; and 1892, pp. 113, 316, 389, 460, 603.

The prohibitionists secured a splendid victory in the General Assembly of 1894, after a gallant and complicated struggle. The following two amendments were proposed in the House of Representatives and referred to the committee: (1) "No person shall manufacture for sale, or sell, or keep for sale as a beverage, any intoxicating liquors whatever, including ale, wine and beer"; and (2) "The manufacture, sale and keeping for sale of all intoxicating liquors whatever, is prohibited, except for medicinal, chemical, mechanical and sacramental purposes." The committee twice recommended the passage of the first and the indefinite postponement of the second. The Senate committee reported favorably on the second amendment; but the Senate adopted a substitute providing that the sale of intoxicating liquor as a beverage be prohibited, though a lengthy enforcement clause was defeated. For this amendment the House of Representatives substituted the first one quoted above and adopted it, and the Senate subsequently concurred. But the Senate of the next General Assembly was content to abide by its committee's apathetic recommendation, while the House of Representatives voted down the favorable report of its committee.²¹

Of the two amendments quoted above the first was proposed in the House of Representatives of 1909, was withdrawn from the Committee on Constitutional Amendments

²¹ A minority report submitted to the House of Representatives contained the following along with other reasons for opposition to the amendment:—"The question of resubmission was not an issue at the last election but rather that the prohibitory law be maintained where the same is now enforced and in favor of giving relief in districts by wise measures, where the same is not enforced. . . . Two bills seeking to accomplish this purpose have just been reported, and this resolution complicates and forces on this body a subject which is only used to delay and antagonize what a majority of the people of Iowa have expressed at the last election as its wishes and commands."—See *House Journal*, 1894, pp. 92, 104, 158, 199, 381, 520, 576, 627, 718, 750, 859, 962, 1006; and 1896, pp. 83, 510, 531-533. *Senate Journal*, 1894, pp. 68, 345, 656, 795; and 1896, pp. 54, 376.

and referred to the Committee on Suppression of Intemperance, whose favorable report was adopted. A motion to strike out the words "as a beverage" came to overwhelming defeat, as did the motion to insert the words "and cider" after the word "beer". An attempt to refer the amendment to the Committee on Judiciary was also squelched. Then followed a resolution directing the legislature, following the adoption of the amendment, "to make the necessary appropriation and establish the necessary tribunals to ascertain the damages suffered by those engaged in the manufacture and sale of intoxicating liquors to compensate them out of the State treasury to the extent of such damages." This was lost, and also a motion to insert after the word "beer" the words "and neither shall any person sell or keep for sale any cider after it has developed more than one-half of one per cent of alcohol." The amendment was finally read and passed by a vote of 68 to 37.

In the Senate the House resolution to amend the Constitution raised a long dispute relative to a point of order, and was finally referred to the Committee on Constitutional Amendments and Suffrage. Then a motion to recall the resolution from the committee was successfully tabled and several Senators felt obliged to explain their votes. A second demand that the committee should report led to the raising of another point of order; and the President in a lengthy ruling decided that if committees withheld reports on business referred to them, "all business might be suspended, all legislation thwarted and the Senate sit in absolute helplessness, the victim of its own appointed committees". The Senate, however, resolved, by vote of 27 to 13 to allow its committee to report what and when it pleased, and thus effectually killed the measure, much to the dismay of its supporters throughout the State.²²

²² *House Journal*, 1909, pp. 315, 349, 531, 741-743, 760-765. *Senate Journal*, 1909, pp. 726, 736-739, 1279, 1283, 1297-1299.

PROPOSED AMENDMENTS TO ARTICLE II

THE SUFFRAGE

No constitutional subject has been more productive of discussion than the right of suffrage, every phase of which has at one time or another been the prolific source of proposed amendments in the State of Iowa. That universal suffrage is the goal can no longer be questioned — especially since the perennial agitation in favor of votes for women promises to assume a militant aspect in imitation of the movement in England. Though our legislative halls have not been the scene of such dramatic incidents as have characterized the struggle abroad, the woman suffrage question has been constantly before the General Assembly since 1870. But before the history of that movement is presented, it is necessary to dispose of other suffrage questions which preceded it.

Both before and after negroes were enfranchised by amendments to the State Constitution, attempts were made to effect the modification of several provisions of Article II. First of all came the proposition to extend the suffrage to white males of foreign birth, twenty-one years of age, residents in the State for one year before the election, and prospective citizens of the United States. A county residence of twenty days instead of sixty was to be required of all electors. The committee recommended indefinite postponement because the alteration was not justified on the ground of absolute necessity: the constitutional guarantee was both just and liberal, and furthermore “frequent changes in that instrument [the Constitution] have a tendency to weaken the confidence and destroy the reverence which people have for it.”²³

²³ *House Journal*, 1862, pp. 319, 519. Thirty, twenty, and ten days' county residence were proposed later.—See *House Journal*, 1866, pp. 94, 374; and 1868, p. 108; and *Senate Journal*, 1888, pp. 177, 425, 770.

In the General Assembly which met after the close of the war between the northern and the southern States there were numerous outbursts of vindictive temper and un concealed dislike of the South and all her ways. The President's pardon had, of course, been extended to all persons implicated in the attack on constituted authority; but certain Iowa legislators wished, nevertheless, to wreak a mild form of vengeance upon the delinquents by depriving them of the suffrage. The first amendment proposed to disqualify all men who had left their homes or the United States "for the purpose of avoiding any enrollment, conscription or draft" and those who had "served in, or joined with any rebel or insurgent forces opposed to the army or authority of the United States, or this State."

The same suffrage qualification was insisted upon in a lengthy resolution which virtually proposed to revolutionize Article II of the Constitution. First, the elective franchise was to be extended to every male, whether naturalized or not, and without regard to color, twenty-one years of age, who had resided in the State six months and in the county sixty days, and who "shall have enlisted in any of the military forces of this State, and after such enlistment shall have been duly mustered into the military service of the United States during the war of the Great Rebellion, and shall have served therein for a period of one year and been honorably discharged therefrom." Idiots, insane persons, and persons convicted of infamous crimes were not to be entitled to electoral privileges.

Secondly, a separate exclusion clause was leveled at all "who had ever voluntarily been in armed hostility to the United States or to the lawful authority thereof; or have ever given aid, comfort, countenance, or support to persons engaged in such hostility; or have ever, in any manner, adhered to the enemies, foreign or domestic, of the United

States; or have ever advised or aided any person to enter the service of such enemy; or have ever, except under overpowering compulsion submitted to the authority or been in the service of the so-called 'Confederate States of America'; or have ever left this State or gone within the lines of the army of the so-called 'Confederate States', with the purpose of adhering to said States or armies; or have ever been members of or connected with any order, society or organization inimical to the Government of the United States or of this State; or who have, by reason of treasonable or disloyal acts or sentiments, been disfranchised by any law of the State where such acts or sentiments were committed or expressed; or have ever left or come into the State for the purpose of avoiding enrollment for or draft into the military service of the United States."

Thirdly, it was provided that after January 1, 1872, a further qualification should go into effect: every person who was not a qualified voter prior to that time should be able to read, unless physically incapable.

Lastly, after January 1, 1874, a majority of all members elected to both houses of the General Assembly might suspend or repeal any part of the disqualification clause.

Another resolution had for its object the disfranchisement of all persons who had borne arms against the government of the United States, or who had engaged in military service in the interest of the southern States.

Besides the five amendments of 1868 striking out the word "white", adopted in two successive General Assemblies, a sixth amendment was offered, proposing to strike out of Section 1 the words "citizen of the United States" and to insert "persons"; but this proposition failed of adoption later. The Committee on Constitutional Amendments reported favorably on these, and also recommended a concise addition to Section 5, which answered the require-

ments of the resolutions quoted above. The committee frankly asserted that the provisions of this amendment were "eminently just in themselves, and due the soldiery of Iowa and their posterity as a just rebuke to those who vainly attempted to destroy the fairest, freest, and best Government the world has ever seen. It is the least punishment that those who gave or may hereafter give their aid to rebellion or insurrection to the Government of the United States [may expect], and may, in a just sense, be said to be magnanimous on the part of the loyal people of Iowa."

It will be seen that these amendments proposed to confer the right of suffrage upon Indians, negroes, and aliens indiscriminately, and at the same time "to disfranchise, so far as the State of Iowa is concerned, nearly the whole mass of white citizens of eleven States of the Union [the Confederate States] and probably one-half or more of the people of three other States, and a comparative few of our own citizens." In a minority report it was further objected that aliens owed no allegiance to the government: they were not bound to protect it against a public enemy, and were at liberty to take up arms against it in time of war: and worst of all, certain provisions of the amendments were unconstitutional because they imposed severe penalties for acts previously committed.

When the matter came before the House the amendment was altered by disfranchising also "any person who has been, or may hereafter be voluntarily engaged in the military service in rebellion against the United States."²⁴

²⁴ *House Journal*, 1866, pp. 68, 147, 167, 186, 322-324, 446-447. The important addition to Section 5 reads as follows:—"Nor shall any person who has been or may hereafter be guilty of treason against the United States or this State, nor any person who has absconded or may hereafter abscond for the purpose of avoiding any military conscription or draft ordered by the authority of the United States or this State, be entitled to the privilege of an elector,

Many motions were made to change the amendment in other particulars, but only two succeeded. The first two lines were changed so as to read "nor shall any one who has committed or may hereafter commit the crime of treason against the United States or this State"; and furthermore, any person who procured an exemption from the draft by fraud was to be disqualified. The latter disqualification, though it prevailed in the lower house, failed to find favor

or qualified to hold office under the Constitution and laws of this State." For the action of the House on the committee's report, see pp. 544-547, 559-560, 625, 647-648, 723.

A certain Mr. Ballinger insisted on offering amendments to the committee's proposition relative to Section 5. He would have disqualified large numbers, and there may be an element of truth in his semi-cynical, semi-facetious reflections of conditions at that time. Besides other classes he would have excluded from the suffrage the following:—

1. All persons who have engaged in any mob instituted through political motives or otherwise.

2. All who "attempted, or shall hereafter attempt, to break up or disturb any lawful assembly of citizens (including raiders on soldiers' conventions in all cases where the Governor of the State refuses to pay the expenses of such raid out of his own private funds, but uses the public money for that purpose, and this fact is known to the raiders at the time of the commission of such raid) or who shall in any manner forcibly interfere with the peaceful proceedings of any such convention."

3. All persons "who served in the capacity of Provost Marshal, Quartermaster, or in any other official capacity in the army of the United States during the war of the Great Rebellion, and who shall have stolen an amount to exceed fifty thousand dollars."

4. "Any loyal or disloyal thief, be he 'Republican', 'Democrat', 'Nigger-head', 'Copperhead', or 'Possom', who shall have heretofore, or who shall hereafter, have stolen an amount to exceed fifty thousand dollars, whether said person at the time of said theft was engaged in either a military or a civil office under the authority of either the United States or the State of Iowa."

5. Any person who denounces "the President of the United States as a 'traitor', 'Copperhead', 'Judas Iscariot', or by any other name calculated to weaken the confidence of the people in the integrity or patriotism of their chief executive, for the sole provocation that said President manifests a determination to use all the powers vested in him to restore, preserve and perpetuate the Union of the States'".

Two other amendments were suggested: "Nor any person who showed cowardice on the battle field, or evaded going into battle", and "all such persons as stayed at home and pronounced the war a failure".

in the Senate; and so the amendment was passed in both houses without it.²⁵ But a search through the *Journals* of the next General Assembly only reveals the rather surprising fact that this amendment to Section 5 was quite forgotten, while the other five amendments were ratified.

In 1868 was frustrated the last attempt to enfranchise aliens "who can read and write, and have declared their intention to become citizens of the United States"—one year's residence in Iowa was suggested as sufficient claim.²⁶ A substitute was also proposed for Section 5 so that no idiot or insane person or person under the influence of intoxicating liquors, or person convicted of any infamous crime should be entitled to the privilege of an elector. Likewise, the proposition to reduce the age qualification to eighteen years never commanded any serious attention in our General Assemblies.²⁷ The maintenance of a high standard in suffrage qualifications in Iowa has from the beginning attested to the strong character of the electorate, and it may help to explain the comparative freedom from corruption in politics.

²⁵ *Senate Journal*, 1866, pp. 562, 573, 634, 636. A minority of the Senate Committee also recommended as an addition to Section 1 that "no person who has not, prior to the taking effect of this act, rightfully exercised the right of suffrage in this or any other of the United States, or been engaged in the active military service of the United States, or of this State, shall be permitted to vote at any election now or hereafter authorized by law, unless he shall, at the time he offers his vote, be able to read the Constitution of this State, and write his own name, unless prevented from doing so by physical disability." Much the same amendment had been proposed in the lower house, though it was not to apply to citizens of foreign birth who could read and write their own language.—See *House Journal*, 1866, pp. 631, 643-644.

²⁶ *House Journal*, 1868, pp. 108, 223, 605.

²⁷ *Senate Journal*, 1888, pp. 146, 425, 770; and 1890, pp. 221, 552.

Futile attempts were made to alter Section 6 so as to make any method of election constitutional, provided secrecy in voting were preserved. Amendment to the Constitution was suggested when voting machines came into use.—*Senate Journal*, 1896, pp. 544, 656; and *House Journal*, 1896, pp. 747, 983, 1046; and 1900, p. 101.

POLITICAL RIGHTS OF THE NEGRO

The General Assemblies of 1866 and 1868, seconded by the favorable votes of the electors, effected what the people had rejected in 1857 when they cast their ballots for and against the new Constitution. In those ante-bellum days public opinion in Iowa as elsewhere very strongly resented the admission of negroes to the privileges of the ballot-box, as shown by the fact that a proposal to enfranchise them was voted down by a large majority. (See Section 14, Article XII, of the Constitution.)

But the fortunes of war having delivered American slaves from bondage, State constitutions had to be changed to meet the new conditions. In Iowa "a consistent regard for the principles of Republican Liberty" and the fact that "during the late civil war the colored residents of our State voluntarily and generously contributed their efforts to the support of the Union cause" prompted legislators to "discard political proscription, and make all men equal before the law".²⁸

Nevertheless, fourteen years were to elapse before it was made possible for the negro to hold office in Iowa. The

²⁸ For the career of the amendments of 1868, see *House Journal*, 1866, pp. 57, 147, 186, 227, 322-323, 446-447, 544-547, 643-648, 723; and 1868, pp. 148, 301, 382, 401. *Senate Journal*, 1866, pp. 562, 573, 634-636; and 1868, pp. 54, 347, 385, 466.

Mr. W. T. Barker of Dubuque in his minority report urged the following objections:—"The undersigned regards the negro as belonging to an inferior race, not now, if he be capable of ever being, so far civilized and enlightened as to qualify him for the exercise of the governing power.

"The elective franchise is a political and not a natural right. The commingling of the white and black races, upon terms of equality would be detrimental to both, as all history clearly demonstrates. The immigration to our State of large numbers of negroes is not desirable, and should not be encouraged by the inducement of political privileges denied to them in other States. Is it not absurd to propose to elevate to citizenship a race of men, while we at the same time are resolving that they are incapable of taking care of themselves, and should be treated as the special wards of the General Government, and be supported out of the Federal treasury?"

amendments of 1868 had only conferred on him the right to vote, to be counted in the census, to be represented in the legislature, and to be eligible for the militia. From the beginning, however, there were legislators who, believing in equal opportunity to all, and special privileges to none, urged an amendment to Section 4, of Article III. Nearly every session saw its acceptance by one house and its defeat by the other until the General Assemblies of 1878 and 1880 agreed upon the measure and the voters ratified their action.²⁹

WOMAN SUFFRAGE

"Votes for women" is an old cry in Iowa: ever since the Civil War this has been a question of biennial recurrence in the General Assembly. For nearly half a century woman suffrage has persistently found its way into the records of every session of the legislature, and it has incidentally been gaining such momentum that, if one reads the times aright, women will soon be seen voting at all elections and filling public offices. According to recent press notices Iowa suffragettes intend to adopt the militant tactics of their sisters across the Atlantic: in this way alone, perhaps, can they hope to successfully break down the barriers of the ordinary man's apathy and the critic's avowed disapproval. The possible outcome of a struggle with the next General Assembly may be political equality of the sexes in Iowa. Till then it will not be out of place to follow the progress of the movement from its inception.

²⁹ For the history of the legislative attempts to amend Section 4, Article III, see the following:

House Journal, 1866, pp. 227, 545, 631, 643, 645; 1868, p. 566 (passed); 1870, p. 480 (passed); 1872, pp. 253, 530 (passed); 1874, pp. 376, 423, 429 (passed); 1876, pp. 139, 288; 1878, pp. 260, 307, 383 (passed); and 1880, pp. 86, 125, 295 (passed). *Senate Journal*, 1866 (nothing); 1868, pp. 466, 471; 1870, pp. 414, 434, 521 (passed); 1872 (nothing); 1874, p. 313 (passed); 1876, pp. 35, 85 (passed); 1878, pp. 33, 116, 183 (passed); and 1880, pp. 74, 86, 155, 385 (passed).

In 1866 the Committee on Constitutional Amendments was instructed to inquire into the expediency of striking out the word "male" wherever it occurred in the Constitution in relation to the franchise.

The House resolution of 1868 summed up the situation in language that deserves to be reprinted here.

Whereas, We hold these truths to be self-evident, that all men are created equal, and endowed by their Creator with certain inalienable rights, that to secure these rights governments are instituted deriving their just powers from the consent of the governed; and

Whereas, We believe "men" in the memorable document from which we quote, refers to the whole human race, regardless of nationality, or sex; and

Whereas, We recognize the fact, that as a general principle, taxation and representation shall be co-extensive; and

Whereas, It is a fact that women are compelled to give allegiance, and pay taxes, to a government, in the enactment of whose laws, they have been and still are, denied a voice. Therefore,

Be it Resolved as the sense of this House, That steps be taken looking towards a change in the constitution of this State so as to allow women the right of franchise, for the proper use of which, her quick perception, strong intellect, and above all, her high sense of right and justice, have proven her so well qualified.³⁰

The foregoing resolutions were introduced so as to confer on women the right to vote; but in 1870, and nearly every two years thereafter, there was an attendant resolution to enable women to hold seats in the legislature. In this year accordingly the lower house adopted its committee's report recommending the exclusion of the word "male" from Section 1, Article II, and Section 4, Article III. The Senate also passed the resolution, after refusing to refer it to the Committee on the Suppression of Intemperance, and after defeating a motion to submit the ques-

³⁰ *House Journal*, 1866, p. 188; and 1868, pp. 530, 605.

tion to the women of Iowa. One branch of the following General Assembly ratified the resolution while the other rejected it by a close vote.³¹

Again in 1874 it was resolved to enfranchise women. In 1876 this action was ratified in the House of Representatives — where one member, fearing lest “a becoming modesty, characteristic of our bachelor friends in the House, may tend to defer their sentiments upon this question until the same may be nigh exhausted”, urged that “no Benedict address the House upon this subject, until all of the bachelors choosing so to do shall have spoken.” The Senate, however, rejected the proposal twice.³²

In 1878 indefinite postponement and rejection were the fate of the measure in the House of Representatives and the Senate respectively. During the following session the former body passed resolutions to amend the Constitution so as to allow women to vote and also sit in the legislature, and later its committee favored the proposition to give women the right to vote at all school elections. This latter measure met with a favorable vote in the Senate, while the more important subject of woman suffrage in general met with a very cold reception, not to say open ridicule. Newspaper reports had reached Iowa that a bill had been introduced into the Senate of New York “making it a misdemeanor for any female to engage in any go-as-you-please walking match”. To the Senator who moved the resolution such action in New York was manifestly “only a part of a scheme to deny to women the right to choose their own

³¹ *House Journal*, 1870, pp. 95, 417, 469; and 1872, pp. 191, 211, 248, 377. *Senate Journal*, 1870, pp. 113, 394; and 1872, pp. 171, 377, 421, 426.

³² *House Journal*, 1874, pp. 102, 251, 324, 363, 462, 491; 1876, pp. 65, 114, 131, 181, 235, 296, 396. *Senate Journal*, 1874, pp. 280, 321; 1876, pp. 66, 138, 185, 248, 317, 351, 386.

In 1876 it was also proposed in the lower house to strike the word “male” from Section 1, Article VI, on the militia.

business, and go-as-you-please, and is aimed at their liberties”: the proposed legislation was therefore condemned and denounced; the attention of various Iowa female suffrage associations was called to the case; and the possible danger of such discrimination against women in Iowa was declared deserving of prevention by constitutional amendment. This unusual resolution fell to the care of the Committee on Medicine, Surgery, and Hygiene.

The General Assembly of 1882 went on record as the friend of woman suffrage; but the next legislature showed its indifference and open hostility in spite of a favorable committee report. At this time several reasons were offered in support of the measure. First, the just powers of a free representative government are derived from the consent of the governed — an axiomatic principle of our democracy. Secondly, “American civilization, law and conscience recognize woman as a subject of government, as a person, and as a citizen in many respects equally, and in some respects more directly interested in the enactment and enforcement of law, and in giving direction to the administration of government than man.” Thirdly, fairness and justice demand that the burdens and privileges, taxation and representative, should be equal and coëxtensive, if not altogether identical. Fourthly, woman will doubtless vote quite as intelligently as man, and her participation in the electoral franchise will “tend to elevate rather than degrade politics”. Lastly, there is no sufficient reason why woman’s share “in the direction and control of governmental affairs may not and will not tend to advance the best interests of all classes in the commonwealth.”³³

³³ *Senate Journal*, 1878, pp. 188, 253, 417; 1880, pp. 27, 80, 83, 155, 156, 385, 386, 387, 412; 1882, pp. 256, 299, 304; 1884, pp. 279, 332, 333, 335. *House Journal*, 1878, p. 381; 1880, pp. 22, 86, 124, 637; 1882, pp. 103, 190, 310; 1884, pp. 393, 396, 523.

During the years 1880-1892 it was a question not of woman’s right to sit in

It is unnecessary to give a detailed account of the history of the movement during the next ten years — a period in which the political rights of women met with no hearty favor, except in the Senate of 1886 and in the House of Representatives of 1888. To the Senate of 1896 a majority committee report recommended woman suffrage, but the minority's opinion was accepted instead — not that women would not exercise the suffrage in an intelligent manner, but because the right to vote was not sought by any considerable number of "our mothers, wives and others". They did not believe that a genuine demand existed for this radical change; furthermore, such a change would not tend to safeguard the home and its influences, whereas "it is the theory of the law that nothing from without shall be permitted to enter to endanger any of the relationships upon which the good of society depends."³⁴

Only once during the last seven sessions of the General Assembly has woman suffrage succeeded in getting a majority vote in its favor — in the Senate of 1902. At all other times resolutions to amend the Constitution were either

the legislature but of her right to vote for representatives in that legislature and other officials as well.

³⁴ *House Journal*, 1886, pp. 109, 120, 182, 256, 573; 1888, pp. 525, 633, 915; 1892, pp. 186, 291, 415; 1894, pp. 269, 526, 627. *Senate Journal*, 1886, pp. 130, 512, 555; 1888, pp. 81, 642; 1892, p. 243; 1894, pp. 44, 61, 158, 160, 206, 320; 1896, pp. 93, 209, 753.

One Senator explained his vote in 1894 and went on record as follows:—"I believe that my good old mother and my amiable wife, under the laws of government, should have equal rights with their husbands, for the reason that they are our equals, and in many regards our superiors. Taxation without representation is oppressive, and is the greatest source of discontent in any government. Woman has purified every organization that she has entered; she has elevated every institution with which she has been connected; she has filled every position of trust that she has been called upon to occupy, with as much, if not greater ability and aptitude than her husband and brother. She is his peer in every particular. She is now endowed with every other right and privilege with man. I cannot, therefore, see any good reason why this last veil should not be lifted and permit her to step out into the fulness of political freedom."

indefinitely postponed or lost by substantial majorities.³⁵ Such has been the checkered career of a cause espoused for nearly fifty years within the legislative halls of Iowa.

PROPOSED AMENDMENTS TO ARTICLE III

SECTION 1 — INITIATIVE AND REFERENDUM

The House of Representatives in 1874 granted leave to one of its members to offer a resolution which plainly recommended the principle of the referendum in certain matters of local concern. The resolution proposed to enact a wholly new section, providing for the same legislative authority but authorizing the General Assembly to delegate to the several counties the power to determine by a vote of the qualified electors the following questions:

- 1st. Shall stock be restrained from running at large?
- 2d. Shall the manufacture and sale of spirituous liquors be prohibited?
- 3d. Shall the number of supervisors be increased or diminished?
- 4th. Shall the irregular levy of any tax, or the illegal acts of any public officer of the county be legalized?
- 5th. Shall railroads be required to fence their roads?

What was really in effect an amendment to Section 1 was the proposal of 1892 which was introduced as Section 39, being an addition to Article III. This proposal allowed the General Assembly to submit any act to a vote of the qualified electors, at a general or special election, the act not to take effect until the voters cast a majority in its favor. The committee recommended its passage, but the final vote was unfavorable.

³⁵ *House Journal*, 1898, pp. 185, 216, 378, 434; 1900, pp. 197, 344, 536, 652; 1902, p. 813; 1904, pp. 961, 1049, 1099, 1117; 1906, pp. 282, 313, 379, 602; 1907, pp. 220, 1082; 1909, p. 651. *Senate Journal*, 1898, p. 240; 1900, pp. 257, 491, 996; 1902, pp. 134, 269, 403; 1904, pp. 208, 877; 1906, pp. 108, 764; 1907, pp. 441, 597, 895; and 1909, pp. 440, 594, 731.

A Representative in 1898 was supported by the Committee on Constitutional Amendments in the wish to vest legislative authority in a General Assembly of two chambers, reserving to the people the right and authority, in manner and form provided by law, to propose matters for legislation and to require that such measures be referred to a vote of the electors of the State. He would also permit two-fifths of the members of each house to file a demand and to require that any measure passed by both houses shall be referred to a vote of the electors of the State. Thus laws could be enacted either by the General Assembly or by the people; and all measures referred to the people should become law and be in full force and effect from and after the date of their approval by a majority of the voters, being beyond the reach of the Governor's veto power.³⁶

On April 1, 1904, two Clinton County members of the legislature introduced in the Senate and the House of Representatives a joint resolution proposing the submission, to the electors in November, 1905, of amendments to the Constitution to provide for direct legislation. These gentlemen worked out an extensive scheme whereby they believed the initiative and referendum could be made to operate successfully in Iowa.

The legislative power would be reposed in the electors, and vested in the General Assembly of two houses — "except that the people reserve to themselves the power to propose laws and to enact or reject the same at the polls, independent of the General Assembly, as well as to cause any act or part of an act passed by the General Assembly, to be submitted to a vote of the people before becoming a law."

³⁶ *House Journal*, 1874, p. 251; and 1898, pp. 522, 861. *Senate Journal*, 1892, pp. 133, 460.

The text of the proposal of 1898 was obtained from the House File in the Archives Department at Des Moines.

Initiative petitions, containing the full text of proposed laws, signed by at least five per cent of the legal voters of the State, should be filed with the Secretary of State ninety days before the election at which they are to be voted on.

Any measure which may be so proposed or any laws enacted by the legislature may be passed upon by electors by the referendum. Such referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety) either by petition, signed by five (5) per cent of the legal voters, or upon resolution or demand of twenty-five (25) per cent of the members of the legislative assembly, on joint ballot. Referendum petitions shall be filed with the Secretary of State not more than ninety (90) days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded, and all measures shall be subject to this final submission to the electors.

The amendment also reserved the powers of initiative and referendum to the electors of any county, township, city, village, or other political division of the State in their local affairs, while no officer was allowed to veto measures referred to the people. Provision was also made relative to the elections at which State and local laws were to be voted upon, and the basis on which the number of petitioners on local and State laws should be figured. Furthermore, the style of the laws was to be: "Be it enacted by the people of the State of Iowa."

In 1906 a similar resolution, very much condensed, came before the House of Representatives. It is hardly necessary to say that committees never took kindly to such revolutionary departures and therefore did not hesitate to recommend indefinite postponement, which was adopted in 1904 and 1906.³⁷

³⁷ *House Journal*, 1904, pp. 1022-1024, 1121. *Senate Journal*, 1904, pp. 910, 961. See the former for the resolution in full. See also *House Journal*, 1906, pp. 126, 219.

SECTION 2

This section fixes the time of meeting of the General Assembly. Two amendments have been proposed, but the nature of neither is known. A bill to amend Sections 2 and 3 was unfavorably reported upon in 1864; while the resolution of 1886, though acceptable to the committee, never came to a vote.³⁸

SECTION 3

Besides the proposal mentioned above, only two other attempts were made to have Section 3 altered. The amendment of 1876 would have conferred on the General Assembly the power to prescribe by law the time of elections and the term of office of members of the House of Representatives. The proposal of 1878 desired no change in the time of elections, but urged that members of the lower house be continued in office for a term of four years and until their successors were elected and qualified, and one-half of them should be elected every two years. Neither proposal received encouragement, but in 1884 the election date was changed and duly ratified by popular vote.³⁹

SECTIONS 16 AND 17

By a unanimous vote of members present the House of Representatives agreed upon an amendment, the wording of which was acceptably revised by the Senate. This resolution, successfully passed in favor of an addition to Section 16, provided for the Governor's approval of or objection to any item or items of a general appropriation bill. The Governor should append to the bill, at the time of signing it, a statement of the item or items to which he took exception, and no appropriations so objected to should take

³⁸ *House Journal*, 1864, pp. 283, 363; and 1886, pp. 239, 299.

³⁹ *House Journal*, 1876, pp. 17, 70; and 1878, pp. 259, 307, 381.

effect, unless they were again passed by a majority of two-thirds of the members of each house.⁴⁰

SECTION 25 — PAY OF LEGISLATORS

The members of the General Assemblies of Iowa have never expressed a desire for increased compensation for themselves: three dollars a day while in session and three dollars for every twenty miles going to or returning from the State Capital by the nearest traveled route seems to have been accepted, at least passively, as just and liberal — but two individual exceptions must be noted. One Senator in 1864 suggested that, in addition to the traveling expenses already provided by the Constitution, a salary of three hundred dollars should be fixed for each regular session and three dollars per day when convened in extra session. A Representative in 1870 believed that a definite sum of two hundred dollars annually with the usual mileage expenses would be fair remuneration.⁴¹

SECTION 30

A motion was lost in 1860 requesting the Committee on Constitutional Amendments to report on the necessity of an amendment authorizing the General Assembly to provide by law for the assessment and collection of taxes for general revenue. This probably has reference to the Federal Constitution and concerns State contributions to the revenue of the general government.

Later, in 1864, a motion was made concerning the expe-

⁴⁰ *House Journal*, 1886, pp. 161, 257, 338, 719; and *Senate Journal*, 1886, pp. 343, 533, 710.

The following General Assembly seems never to have concerned itself with this matter, and for some reason or other the resolution can not be found with the printed laws of 1886.

The bills which proposed amendments to Section 17 are missing.—See *House Journal*, 1858, pp. 556, 758. *Senate Journal*, 1862, p. 139.

⁴¹ *Senate Journal*, 1864, pp. 256, 552; and *House Journal*, 1870, pp. 234, 413.

diency of permitting the legislature to pass special and local laws in some cases. In 1866 a committee declared it inexpedient and unwise to allow the General Assembly to change county boundaries: the proposition to deprive the majority of county voters of this right found no favor. The House committee of 1880 favored an amendment to allow the General Assembly to establish and open roads and cartways connected with a public road for private and public use.⁴²

SECTIONS 34, 35, AND 36

These sections of the Constitution were repealed in 1904, but the amendments then adopted had precursors in 1896 and 1898.

The first House resolution affected the three sections but substituted only two, providing for fifty Senators and one Representative for each county except Polk, which should have two. In the committee report on this proposition an exception similar to that for Polk was made in the case of Dubuque County. But, instead, another resolution was adopted in both houses of two successive General Assemblies by large majorities—in favor of the repeal of all three sections, and providing for not more than one hundred and fifteen Representatives, besides prescribing the ratio and method of representation and apportionment in both Senate and House of Representatives. The voters, however, rejected these amendments in 1898, but changed their minds a few years later, when in 1904 they accepted them in slightly altered form.⁴³

⁴² *House Journal*, 1860, p. 121; 1866, pp. 354, 478, 507; and 1880, p. 555. *Senate Journal*, 1864, p. 222.

⁴³ *House Journal*, 1896, pp. 336, 530, 987; 1898, pp. 106, 264, 284, 724, 783, 912, 973; 1902, p. 110; and 1904, pp. 88, 118, 161, 362, 964. *Senate Journal*, 1896, pp. 762, 799, 857; 1898, pp. 262, 793; 1902, pp. 118, 232, 262, 913; and 1904, pp. 140, 164, 237, 469, 590, 591. House Resolution No. 1 of 1902 was later supplanted by a Senate Resolution, which was concurred in.

PROPOSED AMENDMENTS TO ARTICLE IV

A motion was carried in 1858 to indefinitely postpone a bill to amend Section 1, but the nature of the change desired has not been ascertained.

The proposal of 1864 to amend Section 3 desired that returns of every election for Governor and Lieutenant Governor should be made and the canvass should be "declared in such manner as may be provided by law".

An amendment to Section 16 was offered in 1876. It favored the inclusion of murder and rape as two offences for which the Governor should not be allowed to grant pardons.

In 1872 a resolution was adopted, instituting an inquiry as to what amendment was necessary to provide a successor to the office of Lieutenant Governor in cases of death, resignation, or other disability of the President pro tempore of the Senate and Speaker of the House of Representatives.⁴⁴

. PROPOSED AMENDMENTS TO ARTICLE V .

SECTION 3

Indefinite postponement was the lot of a resolution to amend Section 3. This proposal called for a popular election of Supreme Court judges in 1898 and biennially thereafter, and provided that the Court should hold its sessions at Des Moines. Each judge should hold office for ten years and should be Chief Justice when he was to retire before any of his colleagues. Furthermore, the judges should be ineligible to any other office in the State during the term for which they were chosen.⁴⁵

SECTION 10 — JUDICIAL DISTRICTS

It is necessary to note that the second amendment of

⁴⁴ *Senate Journal*, 1858, p. 116; 1864, pp. 256, 552; and 1876, pp. 116, 360. *House Journal*, 1872, p. 553; and 1876, pp. 153, 288.

⁴⁵ *House Journal*, 1894, pp. 328, 718.

1884 had been proposed in some form or another in six General Assemblies before its adoption in 1882 and 1884.

As early as 1860 the House of Representatives passed a bill embodying the changes which were accepted later, though the intention was to repeal the whole section. At this time the Senate took no final action.

The amendment proposed in 1872 passed both houses and is similar to the one mentioned above in that it makes provision for the number of Supreme Court judges. But during this session the Senate considered another resolution which introduced a plan, probably suggested by the Federal Constitution: judges of the Supreme Court should be nominated by the Governor and approved by the General Assembly, and they should hold office during good behavior. When incapacitated by old age from performing their official duties they might be retired by a majority vote of two-thirds of the General Assembly, after provision was made for their support for the remainder of their lives. The Senate of the next General Assembly blocked the first resolution.

Very little was effected in 1876, but in 1878 the lower house almost unanimously adopted a proposed amendment which the Senate postponed, and this action was repeated in 1880.⁴⁶

SECTION 13

The fourth amendment of 1884 struck Section 13 from the Constitution and substituted another providing for a county attorney in each county. This change had been advocated

⁴⁶ *House Journal*, 1860, pp. 96, 126, 160, 166, 172; 1872, pp. 110, 211, 382; 1874, pp. 174, 370, 483; 1878, p. 309; and 1880, pp. 43, 168, 423. *Senate Journal*, 1860, p. 173; 1872, pp. 126, 177, 208, 223, 269, 281, 398; 1874, pp. 354, 404; 1876, p. 248; 1878, pp. 227, 253; and 1880, p. 379.

The proposal of 1860 was obtained in the Archives Department, Des Moines, while the Senate Resolution of 1872 was taken from the *Iowa State Register*, February 21, 1872.

in every General Assembly since 1872. In that year the new officer was called "prosecuting attorney" and the resolution in favor of his creation was adopted; but not until 1882 did both Houses again agree upon the resolution.⁴⁷

PROPOSED AMENDMENTS TO ARTICLE VIII

With regard to acts of the General Assembly authorizing or creating corporations or associations with banking powers, an addition to Section 8 was desired in 1864, to the effect that such bodies should never "be suffered to demand or receive any greater interest for the use of money than the rate allowed by law to individuals at the time of the contract — anything in the Charter of such corporation or association notwithstanding." The committee's adverse report put an end to this proposal.

In the Senate of 1876 two additional sections were proposed. The first aimed to prohibit the consolidation of parallel or competing railway lines, unless sixty days' notice were given to all stockholders, a majority of whom should be citizens and residents of Iowa. Secondly, no railroad corporation should issue any stock or bonds, except for money, labor or property actually received and applied to the purposes for which it was created; "and all stock dividends and other fictitious increase of the capital stock or indebtedness of any such incorporation shall be void," and the capital stock of no railroad corporation should be increased for any purpose, except upon giving sixty days' public notice, in such manner as might be prescribed by law.⁴⁸

PROPOSED AMENDMENTS TO ARTICLE IX

The Board of Education, prescribed by the Constitution

⁴⁷ *Senate Journal*, 1872, pp. 46, 177, 333, 691; 1876, pp. 185, 238; 1878, pp. 227, 253; and 1880, pp. 85, 155, 382, 415, 484. *House Journal*, 1872, p. 651, 1874, pp. 197, 363, 410, 482; 1876, pp. 347, 427; and 1878, pp. 46, 308.

⁴⁸ *Senate Journal*, 1864, pp. 256, 552; and 1876, pp. 327, 360.

of 1857, seems not to have found favor; but in a report of 1860 the House Committee on Constitutional Amendments declared that, however desirable abolition might be, it would be better to let the next three years elapse when the General Assembly might, according to Section 15, abolish or reorganize the Board. A proposal to insert the word "white" before "youths" in Section 12 was voted down in 1858.⁴⁹

During the decade 1870-1880 considerable debate was aroused relative to the appropriation of public funds for sectarian purposes. The Senate of 1872 placed itself on record as opposed to the application of any public funds of State, county, city, or township "to the support of any seminary, school, college, or other institution of learning or charity". The House of Representatives received a favorable report from its committee. The same proposal appeared in the Senate of 1874.

The language of amendments proposed in 1876 was more severe. The first House resolution, at once indefinitely postponed, provided that no public funds, moneys, or revenues whatever, should ever be appropriated or used in the establishment, support, or maintenance of any school, seminary, college, or other institution of learning or charity, "unless the same shall have been established by the laws of the State of Iowa, and under its control"; and no institution maintained at the public expense should be controlled by any religious denomination. The second House resolution repeated almost exactly these demands, but added these words: "nor shall sectarianism, atheism, or infidelity be ever taught therein." The majority of the committee favored the adoption of this resolution, with the exception of the last clause; while the minority offered strong opposition in an interesting report of which two thousand copies were

⁴⁹ *Senate Journal*, 1858, pp. 478, 503, and *House Journal*, 1860, p. 620.

ordered printed. The result was indefinite postponement.

In the Senate three amendments were offered. One called for the perpetual maintenance of a free public school system by the General Assembly, to the expense of which all taxable property in the State should contribute. The second provided for the faithful application of gifts or grants to the educational objects and purposes for which they were made. The third amendment minutely required that "neither the General Assembly nor any county, city, town, township, school district, or other public corporation, created by or existing under the laws of this State, or any part thereof, shall ever make any appropriation, loan, payment, advance, gift, grant, or other conveyance or transfer whatsoever, of any public money, lands, funds, or other property, to found, support, sustain or aid any seminary, school, college or university, or other literary or scientific or other institution, owned or controlled, in whole or in part, by any church, religious, ecclesiastical, or sectarian organization or denomination". While the principle involved probably won approbation, yet, as in the next General Assembly, the adoption of such proposals was not deemed expedient.⁵⁰

PROPOSED AMENDMENTS TO ARTICLE X

Naturally, after the Supreme Court had invalidated the prohibitory amendment of 1882, an amendment was proposed so that such actions might henceforth be checked. The main points of a long proposal were that every constitutional convention in submitting a new Constitution and every General Assembly in submitting any new amendment to the people should prescribe the persons, officers, or tri-

⁵⁰ *Senate Journal*, 1872, pp. 111, 177, 194, 271; 1874, pp. 164, 317; 1876, pp. 232, 360; and 1878, p. 253. *House Journal*, 1872, p. 530; and 1876, pp. 13, 49, 71, 83-85, 107, 186.

bunal by whom the votes shall be counted and the results of the election declared, their decision and declaration to be "conclusive upon all other persons and officers and departments of government". But within the period of six months after the adoption of a Constitution or amendment "any ten citizens of the State, subject to such rules and terms as may be prescribed by the Supreme Court, may present and file a petition in the Supreme Court to set aside and declare void the adoption of such new Constitution or Constitutional amendments upon the sole ground that the same have not been approved by a majority of the legal voters of the State." The Court had therefore only one point to decide: whether the vote was favorable or unfavorable. This proposed amendment was suggested as Section 4 of Article X. The Senate committee submitted an adverse report.⁵¹

PROPOSED AMENDMENTS TO ARTICLE XI

JURISDICTION OF JUSTICES OF THE PEACE

Before 1880 three proposals had appeared in the House of Representatives, urging alterations in Section 1 so that justices of the peace might have jurisdiction in all civil cases, except cases of conflicting title to real estate, where the amount in controversy does not exceed three hundred dollars; and by the consent of the parties might be extended to any amount not exceeding five hundred dollars. In 1880 the General Assembly adopted a resolution embodying these amendments, but the houses of the next General Assembly took different stands on the question. No further action was taken until 1886 and 1896, when the subject was almost at once set aside.⁵²

⁵¹ *Senate Journal*, 1880, pp. 265, 387; and 1884, pp. 121, 432.

⁵² *House Journal*, 1872, p. 279; 1874, p. 235; 1878, pp. 290, 307; 1880, pp. 35, 236, 595; 1882, pp. 180, 299; 1886, p. 53; and 1896, pp. 291, 711, 1129. *Senate Journal*, 1880, pp. 47, 202, 260, 261, 300, 386; and 1882, pp. 256, 365.

Though no section was specified in an amendment proposed in 1876, it may be seen that Section 3 was affected. The change desired would prevent any county or other political or municipal corporation from lending its credit to, or in any manner becoming responsible for the debts or obligations of, any person, association, or corporation, unless approved by two-thirds of the voters, each voter paying an annual tax on real estate of at least five dollars. The constitutional provision relative to the limit of indebtedness should remain the same.⁵³

Section 8 has been productive of several ineffective resolutions proposing amendments to the Constitution. In 1858, to quote from the resolution, "rumors that are now fast assuming the phase of facts are being daily circulated questioning the integrity of certain agents of the State", and since their conduct should not pass without censure, it was deemed proper "to direct the attention of the public to some other locality." Marshall in Marshall County was therefore pointed out as a more preferable seat of government. A resolution to this effect was referred to the Committee on Charitable Institutions.

The change recommended in 1864 would have allowed the General Assembly, at any time after 1867, to permanently establish the State capital either at Des Moines or at any other place. A similar resolution failed in 1866.

A wholly new section was recommended in 1874. "All charitable or reformatory institutions hereafter established by the General Assembly shall be located at or near the capital of the State, in Polk County. The State University and the State Agricultural College may be consolidated at such time and place as the General Assembly shall approve."

In 1894 appeared a resolution to remove the State Uni-

⁵³ *House Journal*, 1876, p. 48.

versity to Des Moines, provided that the city of Des Moines and its citizens "furnish free of cost to the State suitable land for the location of the State University, and sufficient means to place upon said grounds as good improvements as now exist on the State University grounds at Iowa City." The House resolution of 1902 desired the striking out of the clause relative to the location of the State University.⁵⁴

PROPOSED AMENDMENTS TO ARTICLE XII

ELECTIONS

The first amendment adopted in 1884 relative to the election of State, county, district, and township officers, was first suggested and passed in the House of Representatives in 1880. Even in 1886 the election of State and judicial officers caused some dissatisfaction.

The biennial elections amendment of 1904 had three fore-runners. In its first form, that of 1896, it was briefly provided that the general election for State, district, county, and township officers should be held on the Tuesday next after the first Monday in November in each even numbered year. The proposals of 1898 and 1900 are almost identical with the amendment in its final shape, and they received considerable support. There was at least a strong feeling that less frequent elections and campaigns would not "tend to beget an apathy on public questions among our electors, which would necessarily be inimical to the public welfare."⁵⁵

J. VAN DER ZEE

THE STATE UNIVERSITY OF IOWA
IOWA CITY

⁵⁴ *House Journal*, 1858, p. 577; 1864, pp. 471, 647; 1866, p. 730; 1874, pp. 341, 458; and 1902, p. 723. *Senate Journal*, 1894, pp. 166, 428.

⁵⁵ *House Journal*, 1880, pp. 43, 168, 423; 1886, pp. 53, 118, 300; and 1900, pp. 137, 178, 208. *Senate Journal*, 1896, pp. 296, 656; 1898, pp. 180, 253, 327, 422; and 1900, pp. 62, 119, 122, 223.

THE CONTROVERSY BETWEEN SECRETARY CONWAY AND THE COUNCIL

[The two documents which follow are taken from original manuscripts found by the editor in the archives of the office of the Secretary of State at Des Moines, Iowa. Although they are official communications addressed to the Council of the Territory of Iowa, they do not appear in the *Journal of the Council*. The documents present the history of a tilt between William B. Conway, the Secretary of the Territory, and the members of the Council, which forms a prelude to the more serious controversy between Secretary Conway and Governor Robert Lucas. The offending report to the Council and the communication of Secretary Conway in reply to it were withdrawn by mutual agreement on December 27, 1838. In Chapters XVII-XXI of Parish's *Robert Lucas* and in Chapter VIII of Shambaugh's *History of the Constitutions of Iowa* the brief career of Conway as Secretary of the Territory of Iowa receives consideration.—THE EDITOR.]

COMMUNICATION FROM CONWAY TO THE PRESIDENT OF THE COUNCIL

Secretary's Office,

Nov. 24. 1838.

To the Hon. J. B. BROWN,

President of the Council.

Sir. A Resolution, in relation to pen-knives, tin pans, &c, was transmitted to this Department of the Territorial Government, where it has received that attentive consideration which the magnitude of the subject appears to demand.

To prevent an interruption of that perfect harmony which has heretofore existed, and does still exist, between the Honorable the Legislative Assembly and the Department of State, it becomes necessary to offer, in a very respectful manner, a few explanatory remarks, and especially in relation to knives.—The Secretary would therefore, beg leave to explain.—

In the latter part of last summer, a young man, of rather an interesting personal appearance, associated, as then al-

leged with the executive Department, called on the Secretary, and stated that he (the young man) was then on his way to Cincinnati, in the State of Ohio, on business partly connected with the Territorial Library, and partly personal to himself; and then and there delivered, as an Executive opinion, that it would doubtless, be better to purchase the stationary at Cincinnati, and politely offered his services to procure the same, if authorized to do so.—The matter was held under advisement, and, in the meantime, a letter was rec'd from the Executive Department, directing the attention of the Sec'y to the facilities offered by the visit of the young man to Cincinnati, where it was believed that stationary could be had “on better terms, than at any other place.” In reply, the Sec'y proposed a conference with the Executive, which resulted in a letter of instruction to the young man, (Mr. Parvin) then at, or on his way to, Cincinnati, authorizing him to make the purchases, which, (as alleged,) he did with his usual ability, and on advantageous terms.—A Bill of the articles has been returned, and the young man has returned, but he found it inconvenient, or, to use his own language, impossible, to bring the stationary:—Navigation on the Ohio was entirely suspended. This was the act of God; whose holy name is here pronounced with profound reverence. Human power cannot resist His will nor can human wisdom counteract his designs.

His Excellency the Governor, in pursuance of law, named the day on which the Legislature should convene, and the Sec'y. to meet the difficulties of a difficult case, proceeded to St. Louis, to make preparations for the approaching session, and returned, in despite of every peril, to provide for the comfort and convenience the dignity and elegance of the Honorable, the Legislative Assembly; and for whose comfort and convenience and dignity, he has made every

provision within the reach of his power always excepting knives.

Much exertion has been made to get knives, at Burlington, but knives of a suitable quality and in a sufficient quantity, cannot be procured in this town. And the Secretary can't make knives. If he could do so, he would do so, with expedition and pleasure.— But if it should comport with his own wishes, and the wishes of all those whom it may concern, that he should retain his present station until the next session, he will take especial care to supercede the necessity of any further legislation on the subject of knives; for it is the earnest wish of the Secretary that all the members should have knives and stamps, and folders, and all and singular such thing or things, device or devices whatsoever, as may facilitate the operation of the hands in yielding assistance to the deliberations of the head.

That part of the Resolution which relates to extra ink stands and tin patty pans can and will be promptly complied with. And, in conclusion the Secretary tenders to the members of the Honorable Council, individually and collectively the fullest assurance of that high consideration, which they cannot be more anxious to receive than he is to bestow, and whilst he has no reason to invoke their indulgence, he would make every proper exertion to conciliate their respect.—

WM B. CONWAY,
Sec'y of the Territory.

COMMUNICATION FROM CONWAY TO THE COUNCIL

Secretary's Office.

December 3, 1838.

To the Honorable, the Legislative Council.

Gentlemen of the Council:— Your Journal of Friday, November 23'd, 1838, contains a Resolution which was

transmitted to this Department of the Territorial Government, and to which, on the 24th, the Secretary made a reply. That reply was on motion of Mr. Hemsps[t]ead referred to the Committee on Expenditures; and, in the meantime, the Secretary was informally advised, that doubts were entertained whether said reply was not deficient, as regards the respect claimed by and due to, the Honorable Council. No sooner had this information reached the ears of the Secretary, than he, at once, suggested the adoption of that rule, which allows the right to explain, in all such cases; and he then and there avowed his desire to explain his own intentions, touching the question of respect for the Honorable Council; and having made the suggestion himself, he never expected that this right would have been either withheld or overlooked. No demand having been made for the frank explanation thus frankly tendered, and two days having then intervened, the Secretary "to make assurance doubly sure", addressed the following note to the Committee on Expenditures, that his wish to explain might thus become a matter of record. He knew that the position, thus taken, was the only one which, as a gentleman, he could occupy, and this position he was determined to maintain. Hence the following note to the Committee:

To the Committee on Expenditures, in the Legislative Council of the Territory of Iowa.

Gentlemen. I am advised by the Journal of the Council of last Saturday, that a communication from the Secretary of the Territory, was, on that day, referred to the Committee on Expenditures; and I was verbally informed, by two of the Members of that Committee, namely, Messrs. Hempstead and Payne, that the object of the reference was to inquire — whether the communication, thus referred, was, or was not, deficient in point of respect towards the Honorable the Legislative Council? to whom I then suggested, (in my office, and in the presence of Mr. Lewis, of the Council, and perhaps, Mr. Cox of the House of Representatives,) that the proper

course, according to my judgment, in such a juncture would be to enquire, in form, of the Secretary,—Whether disrespect was *intended* by said communication, or not? This statement was afterwards made to Mr. Ralston (the other member of the Committee) and the only object of this *private* note (of which I keep a copy,) is to have the fact, to wit, that I made the suggestion just mentioned that I may have *this same fact* before the Honorable Committee, in *writing*, to enable me to meet *all* the consequences which may grow out of this matter, without changing, or allowing others to change, my position, in the premises.

I remain, Gentlemen, your very obedient servant.

WM. B. CONWAY,

Secretary of the Territory.

Secretary's Office, Nov. 27, 1838.

Yet strange to say, the Journal of the Council, which appeared on the 28th of November, contained the following Report, from the Committee on Expenditures, in which the conduct of the Secretary, in regard to his communication of the 24th, and his official conduct, *generally* is made the subject of "severe animadversion," if not the theme of unqualified denunciation.¹

REPORT

The committee on expenditures, to whom was referred the communication of the Honorable Wm. B. Conway, Secretary of the territory of Iowa, dated November 24th, 1838, beg leave to present the following report.

That in discharge of the duty assigned them, they find with much regret the communication of the Hon. Secretary of this territory to the Council, dated Nov. 24th, is of such a nature as to call forth a severe animadversion upon its tone and spirit. The evident intention of that communication was not only to treat the resolution offered by Mr. Hughes, and adopted by the Council, with irony and contempt, but at the same time to convey the idea that the articles asked for by the resolution were unnecessary and unimportant.

The reason of the adoption of the resolution offered by Mr. Hughes, is obvious to every member of the Council, but it may not

¹ This report does not appear in the permanent *Journal of the Council*.

be known to the community at large, that great pains were taken to prevent the Merchants and citizens of Burlington from crediting the officers of the Council and House of Representatives of this territory, for small articles necessary for their use, and the Hon. Secretary of the Territory, was understood to intimate that accounts made by the officers of the legislature, would not be paid by him. It therefore became necessary to ask by resolution, the furnishing of small articles.

On the arrival of the members of the Legislature in accordance with the proclamation of the Governor, they found the house which they were to occupy (notwithstanding the great PERIL which the Hon. Secretary experienced in returning from St. Louis, "to provide for the comfort and convenience, the ease, elegance, and dignity of the Honorable Legislative Assembly") unfurnished and unprepared for their reception and the reason assigned by the Hon. Secretary for this delay, is, that it "was the act of God &c," your committee would not pretend to impute blame to the Hon. Secretary, for the frustration of his great designs, by the Creator of the universe, whose powerful arm can arrest the progress of Governors, Secretaries, and Legislatures; but your committee do think it somewhat surprising that the acts of God, should so far intervene, as to prevent the officers of the Council and House of Representatives, from getting upon the credit of the Legislature, a few tin cups and a bucket to drink out of which articles as well as many others, the Hon. Secretary on account of PERIL, or some other cause unknown to your committee, neglected to furnish.

As the Legislature was not supplied with many necessary articles of stationary and furniture, they were left with no other alternative than to inform the Honorable Secretary of the Territory of their wants, presuming that, so far as he was able, he would comply with their requests; nor do your committee believe that any resolution has passed the Council, during the present session, disrespectful in any way to the Honorable Secretary or his office; nor could the Council possibly imagine, from their friendly intercourse with him heretofore, that he ever would have replied to a resolution of their body with such a communication as the committee now have under their consideration; and it is a source of much regret that the Honorable Secretary should have so far forgotten the dignity which he owed to himself, his office, and the Repre-

sentatives of the people, as to attempt to ridicule their proceedings and make their acts a subject of merriment and derision. The Honorable Secretary of this Territory may rest assured that the present Legislature will not tamely submit to the insults and derision of any officer of this Territory; and they, at all times, will defend to the last their honest rights, and the liberty of the people whom they have the honor to represent.

Mr. Whittlesey moved to concur in the report.

Mr. Hepner moved to amend the motion by referring the report to a committee of the whole, which was lost.

The question then recurred upon the adoption of the report, upon which question Mr. Payne called for the Yeas and Nays, which were ordered, and are as follows:

Those who voted in the affirmative, were, Messrs. Hempstead, Hepner, Hughes, Inghram, Keith, Lewis, Payne, Swazy, Whittlesey, and Mr. President—10.

In the negative—none.

The Secretary read the foregoing report with perfect astonishment, and, to prevent the possibility of a mistake, as well as to *justify* himself in adopting any alternative that might be presented in the progress of this unpleasant misunderstanding, he addressed the following communication to the Honorable Council, immediately after the appearance of the Report, in the printed Journal.

Secretary's Office.

Nov. 28. 1838.

To the Hon. J. B. BROWNE,
Pres't of the Council.

Sir:—The Journal of the Honorable Council, of the 27th inst, and now on my table, contains a Report from the Committee on Expenditures, which said Report is predicated on a communication, from this Department, of the 24th inst,—and is condemnatory of the Secretary of the Territory, not only in connection with the communication referred to,—but also in what may be fairly regarded as general terms.

Now, the object of the present communication is to inquire,—

in a respectful manner,—Whether it was known to *all* the gentlemen, by whose votes this condemnatory Report was adopted, that the Secretary had stated to members, of the Committee on Expenditures, that (*before* any official action should be had on his communication of the 24th,) it was due to the true dignity of the Council to enquire, in form, whether any disrespect was *intended* by the Secretary in said communication? For it was stated, by the Secretary, that this was his *wish*, and the course which, under similar circumstances, he would feel bound to pursue; and it was *then* conceded, that this was a preliminary requirement which intercourse between *gentlemen*, whether official, or personal and private, imperatively required.

It is therefore repeated, that the object of this communication is to advise *all* the Members of the Honorable Council, that a willingness,—a wish,—a desire to *explain*, was earnestly manifested by the Secretary, to all the Members of the Committee, before whom his communication of the 24th was then pending; and this was *before* any official action was had in relation thereto.

And it is now respectfully submitted:—Whether the fact just stated, is not, in itself, sufficient to authorize the Members of the Council, as honest and honorable men, to *reconsider* the vote on the adoption of the Report, as due to their own honor and integrity of purpose, as well as to the official character and conduct of the Secretary of the Territory?

If this fair and gentlemanly requisition cannot, for incomprehensible reasons, induce the Honorable Council to reconsider;—then will the Secretary be reduced to the unpleasant alternative of joining issue on the Report itself, in which event he will be abundantly prepared to satisfy any, and every, honest, honorable and rational mind, that said Report *should* not only be reconsidered, but recinded, as regards both *fact* and *principle*. With all proper respect, I have the honor to remain your obedient servant,

WM. B. CONWAY,

Secretary of the Territory.

Of this (last) communication, the Journal of the Council, of Nov. 29th, contains the following laconic, yet expressive, notice.

The President submitted a communication from the Secretary of the Territory.

Mr. Payne moved that said communication be laid on the table, until the 4th day of July next.

Mr. Hempstead moved to amend the motion, by adding the following:— And that said communication do not appear upon the Journal; and the motion, as amended, was agreed to.²

Without stopping, in this place, to enquire: Whether the Honorable Council have not vastly transcended their rightful powers, in excluding from their Journal (a public Record, the property of the people,) an official communication from an officer of this Government; without stopping to enquire into a matter so grave and important as this, the Secretary will pass, at once, to a consideration of the Report itself, inasmuch as an alternative is now presented which he neither anticipated nor desired: The Report will therefore be examined, *first* in relation to the *facts* therein affirmed, and secondly, as regards the *principles* which its adoption has involved.

The leading facts assumed by this unwarrantable Report, may be reduced to the following methodical specifications. And

First. It is assumed, that the "*intention*" of the Secretary's communication, of the 24th, was to treat the Resolution to which it was a reply, with "*irony and contempt.*"

This is the first and the most material allegation, this question of *intention*, and who could explain the Secretary's intention but himself; which he offered to do and was denied a hearing! To assume a position, is often easier than to defend it, and if the Committee believed their position to be defensible, why did they not allow the Secretary to explain? But two illustrations of a similar principle occurred within the range of his professional experience. A man went before a Magistrate, and solemnly swore that his

² These lines appear on page 58 of the *Journal of the Council*, 1838-1839, and constitute the only official printed record except that of the final reconciliation on page 117 of the *Journal*.

brother-in-law was *afraid of his life*, and apprehended bodily harm from a refractory neighbor; who, strange to relate, was bound over to answer for the meditated evil, attested by *one* man swearing to *another man's fears*. The second instance was still more comprehensive. In a controversy pending before a Court of Quarter Sessions (having jurisdiction over the question,) for changing the name of a Township from Peebles to that of Liberty, a deposition was read, in which the deponent swore roundly, that *every man in that Township*, but three, *intended* to have the name changed, thus swearing to the intentions of a whole township with a very small exception. Will the Honorable, the Legislative Council of Iowa, confirm this principle by a solemn decision? Will they interpret the *intention* of the Secretary, and torture his language into contempt, by the mere force of construction, and deny him the right of explaining anything that may require additional light? The Secretary is the expositor of his own intentions, and has never yet shrunk from the responsibility of making them known.

Secondly. It is furthermore assumed by the Report, that the Secretary intended to "*convey the idea*", that the articles asked for by Mr. Hughes' Resolution were "unnecessary and unimportant." So far as the *necessity* of having such articles in the Legislature is concerned, the Secretary has only to refer to his two communications, to the Honorable Council, of November the 15th, which were deemed to have been sufficiently respectful; a reference to which will disclose, in very explicit terms, the estimation in which he held *all* that can be properly embraced within the range of the entire subject. So much for the necessity involved in the case; and as regards the "*importance*" of the matter, the progress of this unwelcome negotiation had

added Gothic proportions to a subject not heretofore believed to have been capable of such vast extension!

Thirdly. The next accusatory statement (accompanied by a side wind appeal to "the community at large,") charges the Secretary with having been "understood to intimate, that accounts made by the officers of the Legislature would not be paid by him." When the Secretary would be understood to make an intimation, or "convey an idea," on any subject, his meaning can seldom be misapprehended. He told all the officers of the Legislature, with whom he conversed, and before they were duly accredited to his Department in any official form, he told them, or their head men, that he would give an order, at any time, to any Merchant, or Mechanic, in Burlington for any article that might be required, in, or about the Legislative Assembly; and the fact defies refutation, that any article, thus required, and which could be procured, was ever refused, or withheld. The story about the "few tin cups and a bucket to drink out of," so beautifully and pathetically paraded before the public, through the medium of a Senatorial Report, had reached the ears of the Secretary through another channel. But the fact is undeniable, that no application was ever made to him, in form, or out of form, by any man, woman, or child, that does now exist, or ever has existed, for a "few tin cups and a bucket to drink out of"; for his heart would have melted within him, if such a touching idea had ever reached his feelings, even through the misty visions of a dream, that any Member of the Honorable Council should have suffered the slightest inconvenience for want of a "few tin cups and a bucket to drink out of." Nothing shall be said of the merits of the Report, as a *specimen of literary composition*; but it must be known, that the Secretary, as the disbursing officer of the Territorial Government, would not allow every man who might be, or might

call himself "an officer of the Legislature," to go and deal with whom he pleased, and for what he pleased, without the restrictions imposed by a specific order. But these orders were never withheld, or dealt out, by the Secretary, with a niggardly hand. He is bound to "account" for his disbursements,—bound under a penalty of Twenty Thousand dollars, and hence the necessity of, at least, proper circumspection!

Fourthly. It is solemnly alleged, that the Legislature (is the Council authorized to utter complaints for the House of Representatives?) it is alleged, that "the Legislature was not furnished with *many necessary* articles of stationary and furniture"! How is this charge sustained? Look round your Chamber, Gentlemen, and ask yourselves these questions. If the Laws passed, and to be passed, here, during the present session, should not bear the impress of wisdom; if they should fail to accomplish the object for the attainment of which we were sent here,—namely, the substantial welfare of a shrewd, intelligent, high minded and energetic people, can we, in this event, as honest men, declare to our constituents, that the Secretary of the Territory has, by his delinquencies, occasioned a result so much to be deplored? Would this be received as an excuse, or could it be *fairly* offered as such? Would this soothe the indignation of a disappointed people, or could it be sustained by facts?

Fifthly. A reference is also made, in the Report, to the condition of the House, at the commencement of the Session; and "this is the unkindest cut of all." It is known, that the duties of the Secretary, on that occasion, were unusually arduous. It was the *beginning* of the *first* session. A new Government was to be established. The Rivers were all down to the lowest ebb, and the season was anomalous, in the calender of Autumn. Still the Honorable

Representatives met; though the rain fell, and the winds blew, and the heavens lowered gloomily upon their meeting! May God forbid that this should be ominous of the result of their deliberations. The Secretary was out, through mud and rain, directing and assisting in every thing that could be done, to prepare comfortable and pleasant quarters for men who had the honor to represent a free people. The building had been erected with astonishing expedition; and the plaster was scarcely dry upon the walls which were to encircle the first statesmen of Iowa. The exertions of Mr. Sleeth, and his co-assistants of that congregation, deserve all praise. And as regards the preparations, made by the Secretary, can the Council consent to day, that the prosecution of the public business was injured or retarded, by his neglect?

But have not the Council already spoken loudly on this subject? Have they not, by a solemn act, recorded their judgment, in relation to the official conduct of the Secretary? By whom were they prompted to do this? Certainly not directly, nor indirectly, by the person who felt highly flattered by, and not less grateful for, the unsolicited honor. The published Journal of the Honorable Council, of the 17th day of November, 1838, contains the following Resolution, which the Secretary regarded as an higher reward for the faithful performance of his duty, than a salary of dollars and cents.

On motion of Mr. Hepner,

Resolved, that the communication from the Hon. Wm. B. Conway Secretary of the Territory of Iowa, in answer to the resolution of the Council of the 14th inst. be now taken up and read.

Whereupon, Mr. Hepner offered the following:

Resolved, that the communication now before the Council be voted satisfactory, and that the thanks of this House be tendered the Hon. Wm. B. Conway Secretary of the Territory of Iowa, for

the prompt and efficient manner in which he has complied with the request of this House and the duties of his office.

Which on motion of Mr. Keith, was adopted.

As has been already stated, this testimonial of your approbation was gratefully regarded, because, and only because it was believed to express the honest convictions of honest men. Yet strange to say, and marvellous to reflect upon, *the very same facts existed*, when the preceding Resolution was adopted, to praise the Secretary, which are now set forth, in the Report, as the grounds of his condemnation! It is true, that a special pleader might offer to *set off* the praise of Council, against the censure of the Council, upon the same state of facts; for, like the old case of *Flint against Flint*, there is a verdict, of *equal authority, on both sides!*

Gentlemen, it must not be overlooked, that the Report covers the entire official character and conduct of the Secretary; and what will appear remarkable, indeed, there is not a statement contained in his communication of November the 24th, that is called in question, by the condemnatory Report; although *that* communication was the only act of the Secretary (except his wish to explain it,) which was *properly* before the Committee. And yet, your Committee traveled out of the record, to seek for new grounds of accusation, and it is much to be deplored, that they were sustained by the Council. The *facts* contained in the communication from this Department of the 24th *ultimo*, were not refuted, nor even called in question, and shall it be believed, that the Honorable Council will sit in solemn deliberation upon the mere peculiarities of *style*?

It will be remembered, that many Resolutions not widely dissimilar in their object, to the one proposed by Mr. Hughes, had been transmitted to this Department; and to all of which respectful answers were promptly returned.

It is important, that a more careful reference had not been had to the statements set forth in these replies. The assiduity of the Secretary, in this respect, is abundantly attested by your Journal, and that of the Honorable the House of Representatives, from whose Hall the voice of complaint, or censure, has not yet proceeded. So much then, Gentlemen, for the material *facts* of this unpleasant case; and let us now consider it, as a matter of *principle*.

Gentlemen of the Council, you have solemnly condemned an officer of the Territorial Government upon the state of facts which has just been considered. And you have condemned him without a hearing! The common right of self defence, has, in his person, been rashly invaded. Jurisdiction has been assumed, by the Council, equivalent to the most despotic usurpation, by inflicting, in an evil hour, a sentence of condemnation, without allowing the accused the exercise of that right which the meanest criminal can claim, the sacred, the indefeasible right of self defence. The Secretary could not deliberately entertain the belief, that the Honorable Council intended to carry this procedure so far;—and his last communication (of the 28th of Nov.) was transmitted for the express purpose of affording another opportunity of calmly reviewing the rash course which had been so rashly pursued. A man, a citizen,—an officer of this Government, has been, in form, and in fact, condemned, and condemned without a hearing, by men who talk about their own “*honest rights!*” This is the rule, and this is the comment!

Gentlemen of the Council,—is there a man, in your Chamber, who would be thus condemned, and tamely submit to the condemnation? Who would hear his own conviction solemnly pronounced, and see that conviction as solemnly recorded, without being asked what he had to say, to arrest, or mitigate, the sentence? No, Gentlemen, the

last spark of manly feeling must be extinguished in your bosoms, before you could submit, with servile tameness to a proceeding like this! And you cannot ask the Secretary to bow down, in meek submission, before a rash decree, at which, if the case were your own, your sense of honor, and your sense of justice would indignantly revolt.

To "do unto others, as we would that others should do unto us," is a maxim which not only bears the sacred impress of Divine authority, and wisdom, and goodness; but it is also the test of true honor. Without a practical observance of this rule, dignity of character is a vain assumption, and honor the mere "shadow of a shade". That this doctrine may yet receive the assent of the Council, is a pleasing conviction to which the Secretary would still fondly cling.

With more than his usual prudence, he transmitted his communication of the 28th of November, accompanied by a hope that the Council might reconsider their indefensible Report. And that communication was received with contempt, and excluded from the Journal! Thus was a personal aspect given to the difficulty, and it remains to be seen whether that aspect shall be changed. In that communication, he invited the attention of the Council to the consideration of a fact, which would justify a change of position, without wounding your proper pride, or impairing, in any degree, your dignity and honor. But this alternative was unhappily rejected. His *official* communication was spurned from the Record; of which Record, the Secretary is the legal *Guardian*, and the record itself, is the *property of the people!* It is made his *duty*, which he has sworn to perform, to "record and preserve *all* your *Laws* and *proceedings*," and less than all he will *not* receive.

Gentlemen of the Council, "there is a time for every thing," and this is the time to pause. The Secretary is

bound to transmit a copy of your proceedings to the Congress, and to the President of the United States, and his official certificate is required to authenticate the record, which the Law requires him to transmit. And to give validity to your proceedings (as published,) in the Courts of this Territory, the same certificate is essential. Like yourselves, Gentlemen, the Secretary is sworn to do his duty, and will any man presume to say, that he will certify that to be true, which he knows to be false? He will never give validity to a garbled account of your proceedings. He will never certify to *mere selections* from your Journal. If that record be mutilated, garbled and selected,—he will attest, before the people, and the Courts of this Territory,—before the Congress, and the President of the United States, and before high Heaven he will attest, that the record is false!

Gentlemen of the Council, the Secretary entertains no unkind feeling towards you, or any of you, and he asks nothing but justice at your hands. And while he would not inflict an injury on you, or any of you, he will nevertheless defend his own rights, and his own honor, nor shall that honor be tarnished with impunity. He has connections that are dear to him, and to whom his honor is dear; and he will hold no man guiltless, who, in the fancied security afforded by any station, would bring a tear to their eye, or a blush to their cheek. It must not be forgotten, that he has been condemned without a hearing,—and shall he be asked to certify that the record of his conviction is true?

Gentlemen of the Council, are you prepared to reconsider and recind your Report? The Secretary does not ask, that it shall be "*expunged*"; nor does he approve of this principle, if the defence be allowed to accompany the accusation. Are you prepared to restore the Journal to that condition which will authorize the Secretary to certify

that the record is entire? Are you prepared to do full and ample justice to your own character as men, and as Representatives of an honest people, by proving that, if, you commit an error of judgment, you are not disposed to sustain it, by an error of the heart? Gentlemen of the Council, the Secretary requires no sacrifice of your true dignity, nor would he inflict a wound on your proper pride. He asks only for justice; and shall this be withheld? He only asks for the revocation of a decree, which brands him with official delinquency, official delinquency, for what Rigor itself could not construe into an offence more serious, than a want of proportion between your Senatorial gravity, and the easy familiarity of his epistolary *style*.

The Secretary is willing, Gentlemen of the Council, to renew the kindest relations with you, and with each of you, provided you do unto him, as you would that he should do unto you;— and that is, provided you do him justice. With less he cannot be satisfied, and more he does not ask. He is anxious to renew his friendly intercourse with you, provided this can be done on honorable terms; and these terms are now presented,— that is to say, that your condemnatory Report, *in its moral effect*, shall be recinded, revoked, annulled and made void.

With due respect, Gentlemen, I remain your obedient servant,—

WM. B. CONWAY,
Secretary of the Territory of Iowa.

THE CONTROVERSY BETWEEN SECRETARY CONWAY AND GOVERNOR LUCAS

[The difficulties which existed between the Governor and the Secretary of the Territory of Iowa in 1838 and 1839 form a striking episode in the history of the organization of the Territorial government. The letters which follow, written by William B. Conway to Governor Robert Lucas and to President Martin Van Buren, are taken from original manuscripts in the office of the Secretary of State at Des Moines, Iowa, and from the collection of Letters and Papers of Robert Lucas at The State Historical Society of Iowa, Iowa City, Iowa. The letters of Conway to the Legislative Assembly, printed in the *Journals* of the Council and House of Representatives, and the letters of Lucas to Conway, printed in Shambaugh's *Executive Journal of Iowa 1838-1841*, give additional primary information upon the quarrel. A general treatment of the controversy is given in Chapters XVII-XXI of Parish's *Robert Lucas* and in Chapter VIII of Shambaugh's *History of the Constitutions of Iowa*.—THE EDITOR.]

LETTERS FROM SECRETARY CONWAY TO GOVERNOR LUCAS

City of Burlington, Territory
of Iowa, July 25-1838¹

Confidential

To His Excellency,
Gov. LUCAS.

Dr. sr.—Inasmuch as your arrival, at this place, is daily expected, it is deemed proper to inform you, that any communication you may think proper to make will reach me at Dubuque, to which place I am about to proceed, by the next Boat.

A proper recognition of the official relations in which I shall have to the honor to stand towards your Excellency, and from which it is desired that personal attachment may result, induces me to intimate in the most respectful manner, that strong local expectations exist in various places on the river, as regards the temporary location of the seat

¹ Letters and Papers of Robert Lucas in the library of The State Historical Society of Iowa, Iowa City, Iowa.

of Government of Iowa. Strained competition, jealousies and ferocious rivalships, have encumbered this question with very unpromising appendages; sufficient, indeed, to authorize the utmost caution on the part of [the] person by whom the decision must be ultimately made. Would it not be well to pass through the Territory, as far as Dubuque, before the question shall be decided?

In expectation of your arrival I have suspended the apportionment of the Territory, through proper deference to your superior judgment.

Any information which I may possess, or can acquire, in reference to the performance of our joint or general duties, will be cheerfully communicated, at your request.

With very respectful consideration, I remain your Obedient Serv't.

WM B. CONWAY,
Sec. of Iowa.

Davenport, Territory of Iowa,²
To His Excellency Sep. 5—1838.
ROBERT LUCAS,
Gov. of Iowa.

Sir—If your Excellency should finally conclude to call the Legislature together at Burlington, I would beg to be allowed the privilege of selecting an office for myself, for this reason, that I should wish to have one, in which I could have an apartment for a bed.—

As regards the *time* of convening the Legislature, I was requested, by some gentlemen to the North, to suggest to your Excellency, whether the meeting could be delayed, with your views of propriety, until after the *Land Sale at Dubuque*? With this request I hereby most respectfully

² Letters and Papers of Robert Lucas in the library of The State Historical Society of Iowa, Iowa City, Iowa.

comply. I shall be at Burlington (if it please the Good Being.) shortly after the election, and in the meantime would express the due consideration with which I remain your Excellency's very Obedient Servant.

WM B. CONWAY—

Secretary's Office³

Iowa Territory.

Dec'r 6, 1838.

To His Excellency,

GOV. LUCAS—

Sir — Your Excellency will please to notice, in the Legislative Journals of Dec'r 5 1838, a joint Resolution, providing for the pay of Clerks &c, upon the presentation of a certificate to the Secretary attested as therein prescribed—

A certificate under this Resolution (together with the Resolution itself) has been presented this day.— And my only object is to enquire Whether your Excellency would consent to give me a written opinion on the subject, stating whether the certificate in question, is or can be legally regarded as a sufficient voucher, in settling my a/c's with the Treasury Department of the U. States.—

With very respectful consideration,
I remain your obedt Servant

WM B. CONWAY

Secy. of the Territory

Secretary's Office⁴

Dec'r 8, 1838.

To His Excellency,

ROB'T LUCAS,

Governor of the Territory of Iowa.

My dear sir. I have just been present at a public meet-

³ Letters and Papers of Robert Lucas in the library of The State Historical Society of Iowa, Iowa City, Iowa.

⁴ Letters and Papers of Robert Lucas in the library of The State Historical Society of Iowa, Iowa City, Iowa.

ing of both branches of the Territorial Legislature, which was held in the Hall of the House of Representatives, where I heard your communication⁵ to me, on the 6th inst. spoken of as a *private letter*, containing your *private opinions* of and concerning a joint Resolution adopted on the 5th inst. relating to the payment of Clerks and other officers, of both Houses.

You are, therefore, very respectfully requested to say, in reply, Whether the said communication from your excellency to me, of the 6th inst. was transmitted, by me, to the Legislature, with your knowledge and consent or not? And whether you wish me to recall said communication, as a private paper, containing opinions which you are not willing to avow in a public and official manner? Your Excellency will understand my object in making this request. It is this:— That I may possess the *evidence* of your *intention* and understanding of the matter, from under your own hand, if it should ever become necessary to present it to others.—

With very respectful consideration,
I remain your obedient Servant.

WM B. CONWAY,
Secretary of the Territory
of Iowa.

Secretary's Office,⁶
Territory of Iowa, Dec. 29, 1838.
To His Excellency ROBERT LUCAS, Governor of Iowa.

Sir, Your communication of the 26th was duly received,

⁵ The letter from Lucas to Conway, here referred to, may be found in the *Journal of the House of Representatives* of the Territory of Iowa, 1838-1839, p. 82.

⁶ Archives in the Office of Secretary of State, Des Moines, Iowa. The letter

by the hand of Mr. Parwin, and to which an answer would have been immediately returned, if the difficulty of framing a suitable reply had not been almost insurmountable.—I must confess, Sir, that I have never been placed in a position, so entirely undesirable, as that into which I have been driven, by your unwelcome and unexpected interrogatories.

If I were to acknowledge the right you have assumed, and which your Excellency appears to be disposed to exercise, in a spirit by no means destitute of rigor, I would be compelled to seek refuge in *servility*; and hence it is proper for me to say, that *every* other expedient must have been resorted to without success, before I could consider terms of intercourse so incompatible with my character and principles. And yet if I were to reply to your extraordinary questions, in the same temper in which they are propounded, it might be construed into a want of that respect, to which your advanced age, and high station indicate a claim; and this claim I am not inclined to regard with either levity or indifference: And therefore, whilst my respect for your age and station is frankly avowed, candor compels me to guard you against the error, that would give a more comprehensive meaning to this acknowledgment.

To surrender to your Excellency, the rights pertaining to my station, as Secretary of this Territory, and thus impart a *new* and unwarranted character to our official relations, by a submissive acquiescence in your unauthorized demands, is not only forbidden by the voice of duty, but also opposed by my personal obligations, and greatly at variance with that proper pride which threats have no power to conciliate.

But, without intending to recognize the right which you have been graciously pleased to assume, in your communi-

of Robert Lucas, to which this letter is a reply, may be found in Shambaugh's *Executive Journal of Iowa 1838-1841*, p. 69.

cation of the 26th of December, I shall, nevertheless, reply to your inquiries, as indicative of a disposition that would not evade responsibility, whilst it neither fears nor invites aggression:— And this course is sanctioned by other reasons, not less forcible than the requirement embodied in your Excellency's imperative "wish".

First. You wish me to state, "distinctly, the reason why I refused to pay for the furniture put into the Executive office, out of the appropriation made by Congress?"

To which I have the honor to reply, that I did not feel authorised to meet the demand, by any provision, or reasonable construction of the organic law; and I told Mr. Evan Evans (the furniture man) that the instructions of the Treasury Department, or a law of the Territorial Legislature, should precede the payment of the bill, out of the funds in my hands. That claims of this kind were not of that class of "countingent expenses," or "incidental" charges which I am authorised to pay, is a belief which acquires the force of conviction, when that provision, in the 11th section of the organic law, is duly regarded, which creates a "contingent fund" of \$350.00 "to be expended by the Governor." For the manner in which this sum is or shall be expended, the Executive may not be obliged to render a formal account, yet still integrity must fail to engender a doubt, as regards its proper application. The Secretary believed, and still believes, that the bill presented by Mr. Evans, should have been paid out of the fund for the contingent expenses of the Territory, or out of the private coffers of the Executive himself; and this belief receives the fullest confirmation, from a reference to the constitutional argument addressed by your Excellency, to this department, on the 6th inst., and to which your attention is very respectfully invited.

If there be error in the Executive opinion, which is now

the subject of allusion; without implicating the rectitude of your intentions, no substantial advantage can be sought therefrom; and, particularly, whilst no evidence has been presented which would stamp that opinion with the impress of acknowledged error. And, at all events, there could have been no impropriety in awaiting the instructions of the Treasury Department, or the enacting of a territorial statute, allowing, or providing for, the payment of the Executive expenses.

If it were apparent that the sum of \$350.00, mentioned in the 11th section of the organic law, and subject entirely to your control, had been included in the larger amount, to be disbursed by me, then would bills, to that amount, (\$350,) have been cheerfully paid, or the money would have been deposited in your hands.

But, it is not pretended that you are to receive this money from the Secretary of the Territory, but from the Treasury Department of the United States, and you were understood to say, long before the Secretary received his drafts, that you had written, or otherwise applied for the contingent fund to which you are entitled; and it should be well known, that the Secretary of the Territory cannot, and will not, allow any person whatever to sponge on the funds of the United States, which have been placed in his hands for specific purposes.

The foregoing is intended as "an explicit and unequivocal answer" to your first interrogatory; from which you are authorized to conclude, that the Secretary, in refusing to pay your private bills out of the public money, in the absence of a legal provision — in the absence of instructions from the proper department; and without the pretext afforded by implication of law, was governed by delicate considerations of integrity; without pausing to calculate the advantages which might result from an unscrupulous com-

pliance with your "wishes,"—or the inconvenience that might result from prompt obedience to the higher commands of duty.

Secondly. For reasons not easily comprehended, your Excellency is pleased to propose, as a second inquiry,—“Whether I consider the Executive office separate and distinct from that of the Secretary of the Territory, and if so, you wish to hear my reasons for this conclusion.”

Without designing to shrink from the severity of investigation which is not satisfied with conclusions, but wishes to pry into and judge of the force and sufficiency of the facts and arguments on which they are founded, I have the honor to state in reply, that I do consider the office of the Executive, and that of the Secretary of the Territory, as “separate and distinct;” and my “reasons” for this conclusion may be found in the distinctions taken between the respective POWERS, DUTIES, and RESPONSIBILITIES of the Governor and the Secretary, in the provisions of the organic law. This is my conclusion, and these are my reasons, which you will please to consider as “an explicit and unequivocal answer” to your second interrogatory.

Thirdly. The third in the order of your Excellency’s “wishes”, is to know: “whether I do, or do not, *intend* to discharge the duty required of me, by the organic law, relative to recording the acts and proceedings of the Governor, in his Executive Department;” and you are also pleased to say, that “nothing of this kind has been done by me;” and moreover, your Excellency “thinks it is time that this business was commenced.”

In reply to this *cross* examination, I have the honor to inform, your Excellency, that *all* “the acts and proceedings of the Governor, in his Executive Department,” which have been transmitted to this office, received prompt attention, and these, together with those that may be transmitted

hereafter, will be disposed of, in strict accordance with the provisions of the act of Congress.

Whether these papers shall be, or shall not be, transmitted to this office, is a question for the grave consideration of your Excellency; for it will not be presumed that the Secretary of the Territory, has a right, or if granted could consent to exercise the right of searching the Executive pockets, or rummaging the Executive office, for "acts and proceedings;" nor is it at all understood or admitted, that the Secretary of the Territory should "live, and move and have his being," in the Executive presence, and be always ready, on the spot, to "record" that portion of the Executive wisdom which may be permitted to escape through the medium of conversation, with *mister parvin*, or even with men of better breeding.

It is not believed that Congress intended to inflict duties of this kind, on the Secretary of the Territory, and this conclusion derives ample support from the provisions of the territorial charter of Iowa. If your Excellency will only consent to comply with your part of the matter, and TRANSMIT TO THIS OFFICE, "the acts and proceedings of the Governor, in his Executive Department," then will they be "recorded," and transmitted, by me, to the President of the United States, and to Congress, as the law requires.

Fourthly. In conclusion your Excellency is graciously pleased to say, that "if it is not my *intention* to perform my duty, *you* wish to know it, that you make a representation to the proper Department at Washington."

Sir, when the disposition, disclosed in this extra Executive enquiry, is viewed, in connection with the *cause* which occasioned its manifestation,—that is to say, my refusal to recognize a claim "destitute of legal authority," and presented by a person who, in that instance, was "legally unknown," your threat is divested of all its terrors, and

nothing but your advanced age, and high station, could prevent me from hurling it back with defiance and contempt.

I am, by no means, unacquainted with the character and extent of my duties and rights, nor have I failed to distinguish the boundaries by which they are circumscribed.

As the disbursing officer of the general government, in this territory, I am charged with the execution of a responsible and delicate *trust*; nor can you, sir, or any other person, adduce one *fact*, or the shadow of a fact, tending to prove that I have not performed my official duties, with scrupulous fidelity; and it was not UNTIL this fidelity interfered with your unauthorised demands on the public money, that I was called upon to *answer* your insulting enquiries. And time I trust will convince your Excellency, that what cannot be obtained from my sense of justice, my views of duty, or my apprehensions of right, can never be extorted by an appeal to my *fears*.

It must be known to your Excellency, that I am always in my office;—for the fact is so. I am in my office night and day, and always in the performance of my duty;—either paying out money, adjusting my public accounts, attending to my correspondence, or preparing the laws for publication; and although there has been sickness in my family, I have not left my station here, for one single hour, since the commencement of the session. There is not, I repeat it, sir, a single official act of mine, to which exception may be *fairly* taken, unless it be the style and tone of a communication to the Legislative Council, on the 24th of November, occasioning a difficulty which is now happily adjusted; and into that difficulty, I was introduced, in the first instance, by officious interference with my department, on the part of your Excellency, and your man *parvin*.

That your Excellency has always mistaken the character

of our official relations, is a fact to which my attention was painfully attracted, at an early period of our acquaintance; and if I had believed that the office of the Secretary of the Territory was subject to your control, and offensive supervision, justice to myself requires me to say, that all its honors and emoluments would have been promptly surrendered at our second interview:—And if I could suppose that the President of the United States, could be induced to sustain you, in confounding *all* the departments of the territorial government of Iowa, with your extravagant assumptions of Executive power, then, sir, the next mail would convey the assurance of an unalterable desire to tender my resignation; and this territorial government might, under your absolute direction, pursue the downward tenor of its way, as fast as the genius of gravitation could carry it.

How far the efforts of the Secretary have contributed to organize and sustain this government, it is neither his wish, nor his province to determine; but that it has encountered any obstructions, inconvenience, or evils from his delinquencies, or indiscretion, is most emphatically denied. And the mildness, docility, and gentleness, which characterized his intercourse, with your Excellency, up to the day on which he politely declined the payment of Mr. Woods' bill, was certainly not among the least difficult of social achievements; nor could anything less exceptionable than a demand involving a principle, to which duty and inclination obliged the Secretary to adhere, have been deemed sufficient to authorise the perspicuity disclosed in this communication,—because your age and station impart claims to respect, which tyranny itself must fail to invalidate.

Your Excellency can now make “representations to the proper department at Washington,” and *misrepresenta-*

tions, should any be made, SHALL recoil on the head of their author.

With due consideration, I have the honor to remain,
Your obedient servant,

WM. B. CONWAY.

Secretary of the Territory of Iowa.

Secretary's Office⁷

Territory of Iowa

To His Excellency

Jan. 26. 1839—

ROBERT LUCAS,

Governor of Iowa.—

Sir.— The Sec of the Ter. has the honor to request the transmission of any “Acts and proceedings of the Governor in his Executive Department” which your Ex may deem expedient and proper to send to this office and at your Excellency's earliest convenience,—inasmuch as I leave this place, for my residence, (opposite Rock Island) on the morning of to-morrow, if it please the Good Being to preserve my life and health.—

The Blank Commissions, which I had the honor to receive, from the Executive Department on yesterday, are now being filled up and will be transmitted to your Ex's Office this evening.— If it be your Excellency wish (for I believe there is no legal provision on the subject,) that the Commissions, when signed and sealed, should be forwarded to their places of Destination by the Secretary of the Territory you will obligingly make an intimation to that effect, and if so I will authorize a person to call for them, next week, who will convey them to my residence,—from whence they shall be promptly transmitted.— I would, however, beg leave to suggest, that (should the transmission of the Commissions in accordance with your Ex'y wish, devolve

⁷ Archives in the Office of Secretary of State, Des Moines, Iowa.

on the Sec'y) those for Des Moines County might be retained, in the Executive office, or be handed over by Col Williams, or some other proper person, to the Clerk of the Court, at this place.—

I would respectfully ask your Ex. to mention the *term* for which the Sheriffs and Judges of Probates, are to be Commissioned —

I would also very respectfully request that the appropriation Bill, whether approved by you or not, be transmitted to this office at your convenience inasmuch as it is a document in which the Secretary of the Territory and his *securities* are deeply interested —

The earliest attention of your Excellency is very anxiously and respectfully invited, to the foregoing solicitations, as my public duties have kept me from home, for more than three months;— Mrs. Conway is in very delicate health, and she is now far from every intimate friend, except her little daughter and myself.

If required, my friend, Col Weston, who very obligingly consents to be the bearer of this will call according to your direction, for an answer.

With due consideration I remain your Excellency's very ob't and respectful servant

WM B CONWAY

Sec of the Territory of Iowa.

LETTERS FROM SECRETARY CONWAY TO PRESIDENT
VAN BUREN

Secretary's Office^s

Territory of Iowa,

January 8th, 1839

To the President of the United States.—

Sir. The papers which accompany this communication

^s Archives in the Office of Secretary of State, Des Moines, Iowa.

will convey to your Excellency the unwelcome intelligence that the relations between the Governor and the Secretary of this Territory have ceased to be friendly.

This information will doubtless occasion regret, and indeed the necessity of communicating it has been and is much regretted by the Secretary; but as mere regret can never settle principles the attention of the President is respectfully and very earnestly invited to the *facts* connected with this misunderstanding, a fair and impartial examination of which, must lead an honest mind to an equitable decision.—

A bill for furniture alleged to have been “put in the Executive Office” was presented to the Secretary of the Territory for payment;—with which demand, on the 26th of December, (a call having been made on that day,) he declined to comply, until information could be received to assure him that the demand was supported by legal authority, or would be allowed by the Treasury Department of the United States; and the reason assigned for this postponement was, that the law, by which this Territory was created and organized, contains no provision which, by either direct requirement, or vague implication, would authorize the Secretary to meet this demand out of the public money in his possession.

This bill (for furniture) already mentioned, was the *third* claim which had been presented to the Sec for payment by order of the Governor, and *how many more* might or would, have been presented, if these had been paid, nothing but the genius of *prophecy* can determine.

It was enough for the Secretary to know that he was not legally authorized to pay these bills, out of the public money, and this reason, and this reason alone, is respectfully presented to the President as an ample justification of the course adopted by the Secretary.—

For evidence of the spirit and feeling of the Governor, towards the Secretary, the President's attention is respectfully invited to Governor's letter of the 26th of December, which is herewith transmitted, together with the Secretary's reply of the 29th. For the manner in which the Secretary has performed his *duties*, as such, the President will consult the paper last mentioned, (the Secretary's reply to Gov. Lucas of the 29th of Dec.) and the declaration is made, with the confidence of certainty, that the most rigorous examination will fully establish and confirm the official fidelity of the Secretary.

It seems that the excessive sensibility of the Governor, as regards the disbursement of the public money, was not intended to embrace the principle of self-denial; and the Secretary has only applied to the Governor, the doctrine laid down, and preached up, by the Governor himself. For the views of the Governor and those of the Legislature and the Secretary, the President will obligingly examine the printed communications and Reports herewith transmitted.

In his reply to the Governor, on the 29th of December, the Secretary has been very plain and perspicuous, and his perspicuity may perhaps surprise the President. But it is enough to say, that all this was sternly required by the occasion.—

Many vexatious, ungraceful, petulent, ill-natured and dogmatical interferences, with this Department, had preceded this rupture of the 26th of Dec—and the time had arrived for a proper adjustment of the relations of the parties. The Secretary understands his duty, has performed his duty, and is disposed to perform his duty;—but notwithstanding all this, this superannuated and irritable Governor would ride down the Secretary, and every other object or thing that would not bend, with servile pliancy, before his rude and offensive assumptions.—

If the Secretary be in error, that error cannot escape the President's observation, and if error be detected, and should be regarded as material, then will the Secretary welcome the penalties that may correct and enlighten his judgment.—

With high regard, I have the honor to remain, the Presidents very obedient and respectful servant —

WM B. CONWAY,
Sec of the Ter of Iowa.

Official

Secretary's Office⁹
Territory of Iowa,
February 9. 1839

To the President of the United States

Sir. The Legislative Assembly of this Territory adjourned on Friday the 25th of January. On the 20th of October 1838 the Secretary left his home at this place, Davenport, opposite Rock Island, to attend to his official duties, at Burlington, the temporary seat of the Territorial Government, near the northern and disputed boundary of the State of Missouri.

The Secretary did attend to all his official duties, with the strictest fidelity, as the facts, upon the most rigorous examination, consistent with fairness, will sufficiently prove.

On Saturday the 26th of January, the day after the adjournment, the Secretary *wrote* to Governor Lucas, (whose office was next door to that of the Secretary) on official business, because the Governor and the Secretary have not been on speaking terms since the date of their former correspondence, (the 26th of December 38) which was published by order of the House of Representatives. A copy of the Secretary's letter of the 26th of Jan. is enclosed, for the inspection of the President, in the present communication.

⁹ Archives in the Office of Secretary of State, Des Moines, Iowa.

To that official letter (of January 26th) Governor Lucas refused to reply, either verbally or in writing, and he refused a compliance with any of its most respectful requirements.

Some few days before the adjournment, Gov. Lucas sent one of his Aids-de Camp, a certain Col. Jesse Williams to the office of the Secretary with the verbal request that the "*Great Seal of the Territory of Iowa*" should be allowed to be taken for a few minutes into the Executive office, agreeable to the wish of the Governor. To which the Secretary consented, and delivered the seal, not believing or apprehending, by any means, that it was a project to obtain a surreptitious possession of the Great Seal of the Territory — But it seems that the Secretary was mistaken.

Finding that the Governor would not answer the Secretary's letter of the 26th of January, nor deliver the appropriation bill, adopted by the Legislature, with or without the Executive approval, nor do any act or thing that would enable the Secretary to return home to his family, where he had not been for more than three months,— An order was given to Charles Weston, Esq., of Burlington, (who now occupies the late office of the Secretary, as a law office for himself) to call on the Governor and procure the *Seals* of the Territory, and seal the commissions, then in the Secretary's Office which were all filled up and signed by the Secretary of the Territory.

There was a *Seal press* in the Governor's Office which had been purchased at the Governor's request, by the permission of the Secretary, ungracefully extorted from him, last September. This press was for the use of the Territory, but it was not brought on, until recently. The Secretary gave Mr. Weston \$75 in gold, to tender to Gov. Lucas for the Press. the cost in Ohio was something like \$45— On Sunday the 27th of January the Secretary left Burlington

and proceeded to this place (Davenport, the centre of the Territory on the river and immediately opposite Rock Island.) where he is now preparing the Laws for publication, which laws are to be printed at Du Buque (still farther north) by Legislative agreement, and as the Act of Congress requires the Secretary to *reside in the Territory*, this is his residence, during the recess of the Legislature.

On Monday the 28th of January, Charles Weston, of Burlington, called in a most respectful manner, on the Governor (Lucas) and requested the seal of the Territory, in the name and on behalf of the Secretary thereof, from whom he then held an order in his hand for that purpose, and he Charles Weston did moreover then and there, tender to Governor Lucas the sum of one hundred dollars, on behalf of the Secretary, for the \$45 — seal Press, and this tender was made in the presence of Quartermaster General James M Morgan, one of the Governor's Staff, and the Governor did then and there refuse to deliver either the Seals or the Press, to Mr. Weston who, on that occasion, and for that purpose, represented the Secretary of the Territory, who, if he had been at Burlington, could not, without endangering the public peace, have gone into the Executive presence, on the business referred to.

The Governor told Mr. Weston, and in the presence of the aforesaid Quartermaster General James M. Morgan, that he, the Governor, was the keeper of the Seal, and that his office was the proper place for it, and that the Secretary had no right to leave Burlington.

In the event which happened, as was apprehended, the Secretary left a peremptory order, with Mr. Weston, that not one of the Commissions, which had been filled and signed by him (the Secretary) pursuant to the list of names and Stations, submitted by the Governor, should be removed

from his (the Secretary's) Office until the seals had been properly affixed thereto in said office.

This appears to have been peculiarly gratifying to Governor Lucas, who proceeded forthwith, (assisted by his Colonels, and Generals, and other officers) to fill up, sign and *seal*, and distribute the commissions, expressing his wish that the name of the Secretary should not appear on any commission issued by him, the said Governor Lucas.

And therefore the Secretary of the Territory of Iowa, has the honor to request the President of the United States, to authorize and direct the Honorable Mr. Secretary Forsyth, to enclose a special order to the Secretary of the Territory of Iowa, directed to his Excellency, Robert Lucas, Governor of said Territory, and requiring him, the said Governor, to hand over and deliver the Great Seal of the Territory of Iowa, to the Secretary thereof, or to his order without fraud or further delay.

And furthermore the Secretary of the Territory of Iowa, has the honor to request the President of the United States, to authorize and direct the Honorable the Secretary of the Treasury to enclose a special order, to the Secretary of the Territory of Iowa, directed to his Excellency, Robert Lucas, Governor of said Territory, and requiring him the said Governor, to hand over and deliver up, to the Secretary of said Territory, the Appropriation Bill, or the Bill, providing generally, for "the Expenses of the Legislative Assembly, the printing of the Laws, and other incidental expenses," of said Territory, passed at the Session of 1838'9 with, or without, the approval of the said Governor, if such Bill shall, hereafter, be required, as a general voucher, in settling the public accounts of the Secretary of the Territory of Iowa, at the Treasury Department of the United States.

The special orders, now respectfully requested, will be enclosed to the Secretary, at Davenport, Territory of Iowa,

whilst, with the highest regard, he has the honor to remain,
your very obedient and respectful Servant

(Signed) WM B CONWAY

Secretary of the Territory of Iowa.

Official

Secretary's office,¹⁰

Territory of Iowa.

July 8th 1839.

To His Excellency,

M. VAN BUREN,

President of the U. States.

Sir:— In a communication, of the 8th of January, (six months ago,) the undersigned had the unwelcome honor of apprising the President of the United States of a misunderstanding (then of recent origin) which existed between the Governor and the Secretary of the Territory of Iowa.

The official documents, by which that communication was accompanied, must have disclosed to the President the *principles*, moral and legal, involved in the difficulty then submitted, together with all the material *facts*, bearing on the official conduct of the parties. And, although the lapse of time seems but to confirm the undersigned in the correctness of the position which he then assumed and maintained, still he has never received the slightest indication, directly or indirectly, of the views, opinions or intentions of the President, as the legal arbiter of the difficulties referred to him for adjustment.

On the 9th of February, (nearly five months ago,) the undersigned had the honor of making another official communication to the President of the United States, in which the latter was respectfully informed, that Governor Lucas had surreptitiously obtained possession of the *Great Seal* of the Territory of Iowa, of which he proclaimed himself

¹⁰ Archives in the Office of Secretary of State, Des Moines, Iowa.

to be the legitimate *keeper*, and that he refused to deliver it up, in compliance with a respectful order, from the undersigned, duly presented for that purpose. And the fact is now distinctly communicated, once more, that Governor Lucas retained, and still retains, the Great Seal of the Territory of Iowa and continues, in violation of all usage and right, to be the keeper of said seal. It is not now the object of the undersigned to dwell on the *effects* produced by this strange assumption, which nothing could sustain but the mere insanity of power.

In the same communication (of the 9th of February) the undersigned had also the humiliating honor to advise the President that the Territorial "appropriation bill," as it is called, but which is, in point of fact, a bill containing a *general account of the expenses of Legislative Assembly*, &c was retained by the Governor, who, upon application, in due form sternly refused to deliver it up, although that document is absolutely indispensable, in settling the accounts of the undersigned with the Treasury Department of the United States; because this appropriation, or general account bill, authorizes many large items of expenditure not otherwise provided for,—not named in any other act or resolution of the Assembly. And still, after repeated applications, the Governor retains this highly important general account, to satisfy some causuistical absurdity, which he is pleased call a "conscientious scruple," for it must appear absurd, indeed, to any mind but his own, because the bill in question is not a fair subject of revision, in the Territorial Legislature, inasmuch as it is difficult to believe that the general Assembly, at its *next* session, can reduce, alter, modify or annul the expenses incurred at the *last* session, involving the rights of third persons, and the responsibilities of the Secretary, as the disbursing agent of the general Government.—

The undersigned would be allowed to fix the attention of the President on another matter, by no means destitute of importance. The performance of certain duties, clearly specified in the act of Congress of June 12th 1838, is required of the Secretary, to which reference was made in a communication from this department of the 22'd of last November. The "record of the acts and proceedings of the Governor, in his executive department," mentioned in the 3d section of the law referred to, was inevitably interrupted by the suspension of intercourse between the Governor and the Secretary.

By a reference to a letter to the Governor from the undersigned, dated January 26 1839, a copy of which was forwarded to the President, on the 9th of February, it will be seen, that a respectful application was duly presented to the Governor for a copy of his acts and proceedings, in his executive department, that they might be recorded and transmitted to the President of the United States, &c in compliance with the requirements of an act of Congress. But they were withheld. How then can the undersigned record and transmit them, as the law requires?

With the arts by which office may be either gained or retained the undersigned has no practical acquaintance. What cannot be secured by truth and reason, honesty and honor, he has no wish to pursue. He seeks no triumph over Governor Lucas. He wages no war against obstinate imbecility. But to be a Secretary of State, *without a seal*;—a recording officer, *without the records*;—an accounting, and an accountable officer, *without evidence of the authority* which sanctions and requires his disbursements, is to possess very equivocal honors, with which even contented meanness could not hope to mitigate the severity of official responsibilities, under the rigorous system which enlightened opinion is very fortunately predisposed to enforce.

The undersigned is still disposed to presume, that the President of the United States intends to interpose his authority for the purpose of adjusting the difficulties to which his attention has been so frequently and so earnestly invited; for nothing but a total want of belief in the veracity of the undersigned, not to speak of the representations made on the same subject by the Territorial Legislature, could authorize the President to conclude that these representations are false, or that the delinquencies, to which they relate, will correct themselves, under the mild influence of unappreciated and undeserved indulgence.—

That the undersigned could be induced to retain his present, or any other office, in the gift of the President, or of any other power, by becoming a willing accomplice in his own degradation, as a man, is an unfair supposition, which derives no support from the history of his past life, and if his relations with the President and Governor Lucas are to be regulated by a different estimate of his character, proceeding on the presumption that he could be drilled into a base spirit of accommodating servility, then will the fact become sufficiently apparent, that his appointment as Secretary of Iowa was highly injudicious.

With due regard I have the honor to remain your Excellency's very obedient and respectful servant—

WM B. CONWAY.

Secretary of the Territory of Iowa.

Private and confidential.

To His Excellency,

July 8, 1839.¹¹

The President.

Excellent Sir.

In my "*private and confidential*" correspondence with you, you must have observed the manifestation of an anx-

¹¹ Archives in the Office of Secretary of State, Des Moines, Iowa.

ious desire, on my part, to form, cultivate and maintain relations of personal friendship, not necessarily connected with, or strictly required by, the other relations which subsist between us. In this I may have appeared presumptuous. If my conduct in this respect, was so regarded by you, I regret it exceedingly. But you will have the goodness to ascribe it to the favorable estimate I had formed of your character, as a man, without overlooking your high and becoming dignity, as President. With your impressions, on this subject, I am of course, unacquainted; nor do I allow myself to draw conclusions, unfavorable to my own reasonable hopes, in the absence of proof which fully warrant such unwelcome deductions.

To correct past, and prevent future mistakes, I would now be understood as perfectly willing to *suspend* all relations with the President, except those which are properly official; and that his freedom of action, in my regard, may be increased to the utmost desirable extent, I now *withdraw*, in a strictly *technical* manner, all my former communications, of a "*private and confidential*" character, without wishing to modify, alter or expunge, any statement of *fact* therein contained; for the truth of which I am ever responsible.

Let me not be misunderstood.—I am now involved in official difficulties with the head and front of the Territorial administration of Iowa. These difficulties were forced upon me. A reference has been made *to the President*, by both parties. And the President, as the rightful umpire, will be finally compelled, by the force of circumstances, which cannot be changed, to make a decision, of some sort, in this matter, and hence my willingness to relieve the President from any embarrassment which might result from a confusion of personal and official relations.

I withdraw no confidence, whatever, from the President;

for God forbid that I should prejudge either his intentions or his acts. I would be merely treated fairly, as an officer of the American Government, and I would advance, or retrograde, according to my real merits or defects. Here we have many aspiring men, in whose way I may appear to stand. They are entitled to their own opinions; and as to myself, I know that my destiny will be fulfilled, whatever it may be. I claim no advantage, which fair competition will not willingly award.— In this light alone, I would be considered by the President, before whom, let it be distinctly understood, I have no application pending, except what has been, or may be, set forth in my *official communications*, and to these alone the President is referred, with all becoming respect.— Deal with me, Excellent Sir, as your judgment and conscience may direct, and enlighten your judgment and conscience, by the best evidence, that you may treat me fairly. This is all I ask; and upon this your sense of justice will graciously allow me to insist,— whilst with the most affectionate regard, I remain, as heretofore, your friend, and very respectful servant.—

WM. B. CONWAY.

P. S. I did not retain a copy of any of my “private and confidential” communications addressed to you, not even of this, “*the last of the series.*” I can lift the papers, when I may be at Washington, or, if you please or prefer, have them enclosed very carefully, to me at Davenport, Territory of Iowa. The propriety of withdrawing my private letters is self evident, nor can the President ever suffer by their withdrawal, for this conclusive reason, that he has never acted on any suggestion which they may contain:— Ever—respectfully yours.

Secretary's Office.¹²

Official.

Territory of Iowa,

Aug. 26th 1839.

To His Excellency,

M. VAN BUREN,

President U. States.

Sir: In an official communication, of the 8th of January, (more than seven months ago), the undersigned performed the unwelcome duty of apprising the President of the United States, of a misunderstanding, then of recent origin, which existed and still exists between the Governor and the Secretary of this Territory.

The documents by which that communication was accompanied, must have disclosed to the President all the principles, legal and moral, involved in the difficulty then submitted, together with all the material facts, bearing on the official conduct of the parties concerned. The intervening lapse of time seems but to confirm the undersigned in the correctness of the position which he then assumed and maintained; and hence he has no concessions to offer; no advances to make; no new apprehensions of duty, to require, or authorise, a relinquishment of former convictions, in the absence of better arguments than those which have been already examined, and not without proper solicitude and care.

Although much time has elapsed, since the difficulties in question were, with all due respect, submitted to the President, and certainly not with the unkind intention of disturbing his peace or proper repose, the undersigned would not, even now, be understood as evincing any thing like vulgar impatience, or petulant anxiety, in thus considerably inviting the attention of the President to the importance of making some sort of decision in the premises, which the

¹² Archives in the Office of Secretary of State, Des Moines, Iowa.

most pacific hesitation cannot reasonably hope much longer to avoid. The facts and principles remain unchanged, and by these facts and principles the relations of the parties should, in all fairness, be determined.

On the 9th of February, last, the undersigned had the humiliating honor of informing the President of the United States, in an official communication of that date, that His Excellency, Governor Lucas, had surreptitiously obtained possession of the *Great Seal* of this Territory, which he refused to deliver up, in compliance with an order, duly presented, for that purpose: which seal he still retains, and of which he (the Governor) in contemptuous violation of all usage and right, *fancies* and proclaims himself to be the legitimate keeper! The *effects* produced, in a business point of view, by this strange assumption, would, if set forth in detail, extend this communication far beyond its contemplated limits. But it is anxiously believed, that the fact alone will arrest and fix the attention of the President on the hedious deformity of the principle which that fact embodies.

Separate and distinct responsibilities, duties and rights, not to insist upon the proper civilities of official intercourse, unavoidably impart to this fraudulent capture and forcible detention of the Great Seal, all the features of a tyrannical outrage, which cannot be justified by arguments more correct than those which may be drawn from the mere ravings of insane power. As well might the President, (if he were deranged) seize upon the Seal of State in the office of the Honorable Mr. Secretary Forsyth. But Mr. Forsyth could resign. And so would the undersigned have done, long ago, if he held his office subject (even by implication of law,) to the control of his Excellency, Governor Lucas.

The Governor and the Secretary of Iowa are *both* amenable to the President of the United States; and the difficul-

ties which implicate their public conduct *having been referred* to the latter, the only legal umpire in the case, it is, therefore, impossible that the undersigned should anticipate a decision, by any changes of attitude, which might tend, however remotely, to favor the belief, that he would thus shield any portion of his official conduct from rigorous examination. Nor will it be rashly believed, that the President could be induced to lend, even the dubious sanction of his hesitation or silence to the commission of outrages on inferior officers of the Government; whose proper pride of character may be higher than their stations, and whose kind feelings, as men, should not be goaded, by protracted and triumphant insult, into the ferocity of tigers. The undersigned, therefore, renews his application of the 9th of February last, and prays that a special order may issue, from the proper Department, requiring the Governor to deliver up the Great Seal of this Territory, to the undersigned, or to his order.

In the communication last referred to, (that of the 9th of February) the President was also respectfully informed, that the Territorial "appropriation bill," a title suggested by analogy and convenience, but which, in point of fact, is a *general account* of the expenses of the Legislative Assembly &c, was retained by the Governor, who refused, upon application, in due form presented, to deliver it up, either with or without his executive approbation.

The President of the United States was respectfully requested to direct the Secretary of the Treasury to issue a special order, to put the undersigned in possession of the bill, or general account, now in question. This request was embraced in the communication of the 9th of February, and was particularly formal. It was the request of a disbursing officer of the General Government, in relation to his peculiar duties as such.

For reasons, which the undersigned cannot presume to comprehend, no notice was taken of this request, either by the President or the Secretary of the Treasury, although the document, for which application was made, is indispensably necessary to enable the undersigned to settle his official accounts with the Treasury Department of the United States; because this appropriation, or general account bill, authorizes many considerable items of public expenditure *not provided for in any other act, or resolution* of the Territorial Legislature. The protracted silence of the Treasury Department, on this subject, has occasioned much embarrassment in the fiscal operations of this Territory, and must continue to do so, until the question shall have been decided, by competent authority. Applications were, and are still, made to the undersigned for the payment of public money, on occult authority of this *invisible* bill. How should he (the Secretary) act in a contingency like this? He applied, and again applies, to the President of the United States, to direct the proper Department in the premises. This appears to be the only proper course that could have been pursued.

Does the President enquire, as to the *utility* of this bill, if placed in the hands of the Secretary without the sanction of the Governor? True, Sir, it was after all a mere choice of perplexities. But as *some* authority was required to justify large disbursements which were made, in good faith, before and since the passage of the appropriation, or general account bill, that bill even without the sanction of the Governor, would justify the Secretary's disbursements made in accordance with its provisions, under the peculiar circumstances of the case; for it is not believed that a want of concurrence between the Governor and the Legislature could possibly defeat the payment of money, actually due and unpaid.

With this bill, even without the signature of the Governor, the undersigned could, in good faith, expect a satisfactory settlement with the Treasury Department; or if, (which is not apprehended) the Secretary of the Treasury should refuse to allow the undersigned credit for payments made in conformity with that bill,—still the document itself would operate as an equitable defence in any court of competent jurisdiction, should proceedings be instituted on the official *Bond* of the undersigned; or it would justify him in bringing the matter before Congress, if he should be finally compelled to seek a remedy out of the ordinary channels of redress.

For the conduct of the Legislature, or that of the Governor, the undersigned is not accountable. Their disputes should be determined according to the facts and principles involved therein, nor should they be allowed to embarrass others, who had no actual participation in their doings. The Governor may believe that the Legislative expenses were extravagant, which belief may originate in patriotism or petulance, and may be correct or incorrect. A *comparison*, however, between *this* and *other* Territories of the United States, as regards expenses, might enable the President, and others, to make up an enlightened opinion on the subject, and the Treasury Department can readily furnish the data. The last session was our first. We had everything to buy, which the public service required. The first appropriation was very small, for a Territory. But a fair *comparison* with other Territories, in the same latitude, is the true test of extravagance or economy. It should, however, be remembered, that the undersigned had no control over the subject:—none whatever; nor will he consent to be held accountable for the folly, mistakes, or absurdities of others. It is enough to say, that the bill in question contains an *account* of the *expenses* of the Legislative Assem-

bly of the Territory of Iowa, incurred at the session of 1838 '39; that the interests of third persons, and the responsibilities of the undersigned, and his securities, are involved; and that the bill, in question, is not a fair subject of future *revision*, in the Territorial Legislature of Iowa. Whatever Congress, the Treasury Department, the District or Supreme Courts might do, in reviewing the matter, the Territorial Legislature could, and it is believed, would do nothing, unless, perhaps, on the allegation of *fraud*, which is not pretended. It is enough to say, that this bill is *absolutely* and *indispensably necessary* to enable the undersigned to settle with the Treasury Department of the United States; and, therefore, the application, presented on the 9th of February for a special order, is very respectfully, but urgently, renewed.

It is painful to be obliged to lengthen out this catalogue of grievances; but another matter must be mentioned, which is by no means destitute of importance. The performance of certain duties, specified in the Act of Congress of June 12,—1838, (the organic law of this Territory), is required of the undersigned, and to which reference was made, in a communication from this Department, on the 22d of last November.

The record of the “acts and proceedings of the Governor, in his executive department”, mentioned in the 3d section of the law referred to, was inevitably interrupted by the suspension of intercourse between the Governor and the Secretary. By referring to a letter from the latter to the former, dated on the 26th of January last, a copy of which was forwarded to the President, on the 9th of February, it will be seen, that a most respectful application was duly presented to the Governor for a record of his “acts and proceedings, in his executive department”, that they might be recorded and transmitted by the undersigned to

the President, and the Congress of the United States, in compliance with the requirements of the organic law.

With this request, made in the most respectful manner, the unintelligent dignity of the Governor would not allow him to comply. How then *can* the undersigned discharge the duty which (in relation to the executive proceedings,) the act of Congress requires him to perform, and which, according to the terms of the law, must be transmitted to the President and the Congress of the United States, *on or before* the first Monday in December? And December will soon arrive!

The unde[r]signed, therefore, applys to the President, and prays, that some order may be promptly taken on this last, as well as on the other subjects already submitted; for the President will certainly perceive the utter *impossibility* of progressing with the Territorial Government of Iowa, with any kind of harmony or order, under such a state of things as that which has been very inadequately set forth in this and other official communications from the undersigned, and for the truth of which he is personally and officially responsible, to the President and the people.

It will be seen, that the attention of the President has been invited only to such portions of the Governor's conduct, as affect, *in a direct and unavoidable manner*, the official *duties* which the undersigned has solemnly undertaken to perform, and which, under existing circumstances, *cannot* be performed, according to the intendment of law, not to speak of the civilities of social or official intercourse. It will be seen, that the undersigned has not repeated one solitary item from a long list of charges which a majority of both branches of the Legislature, the representatives of the people, preferred against the Governor of Iowa; a repetition of which the President may yet hear in tones more audible than the voice of an individual. On the contrary,

the President will perceive, that there has been a delicate adherence to such topics (and they might be multiplied) as effect the *official duties* of the undersigned.

The long experience of the President, as a public officer, as a worthy and intelligent citizen, charged with the execution of high and important *trusts*, must have disclosed to him the great duty and most practical utility, of our republican doctrine, which treats of the *distribution of power*. This principle is deduced from proper apprehensions of our equality, as men, which it evidently presupposes; and it were a rash experiment, indeed, to attempt to trample on this principle, under the fal[l]acious pretext of official superiority. True, Sir, power may be, is, and ought to be, unequally distributed, but its very distribution prescribes its *legitimate* bounds, nor can the magnitude of the possession pal[l]iate its abuse; and hence the humblest executor of the lowliest decedent, who faithfully executes his trust, is as good a man, and as good a trustee, within his narrow sphere of useful action, as the high Chancellor who holds the scales of equity with an even hand, and decides upon the principles involved in uses and trusts. This pure philosophy could not be understood by the vulgar despots of other nations and other times. To be a President, a Governor, or a Secretary, is still to be considerably less than God Almighty, whose power alone is admitted to be supreme.

That the Governor of this Territory possesses no correct knowledge of the distribution of power, is a truth of which the undersigned has had the fullest experimental conviction. The lines, often nicely and delicately drawn, which circumscribe official power and rights, have not been attentively traced by the dim optics of our local Executive; and if this be doubted, the President is referred to the facts already stated. It is not fair that the proper performance of

the official duties of the undersigned should be prevented, or impeded, by the mere whims of Dotage, the grave assumptions of experienced Ignorance, or the fatal feebleness of Indecision.

With the arts by which office may be either gained or retained, the undersigned professes to have no familiar acquaintance. What cannot be secured by truth and reason, by an honest, though unpresuming manliness of thought, word and action, and by a faithful discharge of duty, he has no wish to pursue. That he could possibly become a willing accomplice in his own degradation as a man, or as an officer of this or any other Government, is a supposition which derives no support from the history of the past; and if his relations with the Governor, or with anybody else, are to be regulated by a belief, that he (the undersigned,) could be ultimately drilled into a base spirit of accommodating servility; if a sacrifice like this be expected, it is true, and certainly not unbecoming to say, for the fact will appear sufficiently obvious, that his appointment, as Secretary of Iowa, was highly injudicious:—

It is well known, and appreciated, that mere rhetoric can have no influence on the calm, collected, sagacity of the President. But this sagacity may assure him, that it is unwise and unsafe, to overlook those proper distinctions which exist between mere rhetoric, on the one hand, and stubborn *facts*, on the other. Let the facts, therefore, be summed up. To be a Secretary of State *WITHOUT a seal*,—a recording officer *WITHOUT the records*, (or things to be recorded,)—an accounting, and an accountable officer, *WITHOUT evidence of the authority* which sanctions and requires his disbursements; this, Sir, is to possess very equivocal honors, beneath the degrading lustre of which even contented Meanness could not hope to mitigate the severity of official responsibilities; and especially under the vigorous system of

accounts, which enlightened opinion is so strongly predisposed to enforce; and this opinion it has been the just pride, the true policy, and high privilege of the President to propagate and expand.

The undersigned seeks no triumph over Governor Lucas. He wages no war against imbecility. He proposes no specifics for the purpose of operating a miraculous cure of the chronic infirmities of the executive judgment; but he asks the President of the United States to interpose his proper authority, that the undersigned may be enabled, by this interposition, to perform the official duties required of him by law, which duties he is ever disposed to discharge.

The *origin* of the misunderstanding between the Governor and the undersigned, will *always* justify the latter before Heaven and earth, before God and man; nor shall the difficulty be allowed to *change its character*, through any possible stage of its progress.

When the President of the United States was urging the Congress to make the *use* of the public money, without the *authority of law*, a *felony*, the Governor of Iowa was calling on the undersigned *for public money without the authority of law!* The Governor may be a wise man; but this is not evidence of wisdom. He may be an honest man, but this is not evidence of honesty.— The Undersigned, very politely, declined the payment of public money, without the authority of law. From that moment hostilities commenced. And the capture and forcible detainer of the Great Seal; detention of the Executive records, and the general account, or appropriation, bill, are firmly believed to be the *consequences* of his refusal to violate his oath of office, involve his securities, and disgrace himself, by paying out public money, in the absence of legal authority.— The President will, therefore, please to interfere, and re-instate the undersigned in his proper official rights, that he may be thus en-

abled to perform his official *duties* or, on the other hand it should be obligingly and frankly intimated, that the resignation of the undersigned is desired by the President.

With high regard, I have the honor to remain your very respectful & obedient servant.

WM. B. CONWAY.

Sec. of the Ter. of Iowa.

A DIARY OF THE BLACK HAWK WAR

[The following brief diary kept during a portion of the Black Hawk War, was found among papers of Charles Gregoire, donated to The State Historical Society of Iowa by Mr. J. C. Gregoire of Dubuque, Iowa. There is no indication as to authorship in the manuscript itself, and investigations have so far failed to show by whom it was written.—THE EDITOR.]

ROCK ISLAND

1832

- Apr 14. Genl Atki[n]son started on board the Steam Boat Enterprise for P du Chien, The hostile Indians have been heard near the Slew on the east side of R Island dancing
- “ 15 Frs Labusier, and Apenose a fox Indian, left Rock Island this day to go and see the British Band of Sac Indians on R. River for the purpose of persuading the Relations of Keokuk, Wapala, and others, to return to their relations, &c.
- “ 16—Labusier & Apenose returned, bringing news that the British Band of Sac Indians were about 18 miles above this place on Rock River moveing up; and expected they would reach the Proffets villiage¹ tomorrow evening; Labusier & Apenose were badly received and threatened to be whip[p]ed, the Indians said that they had wa[i]ted for the American Troops to come over and fight them, but as they did not make their appearance they (the In[dians]) would continue

¹ This was the home of a Winnebago, White Cloud, generally called the Prophet. He was a crafty Indian who constantly encouraged Black Hawk's desire for war. The site of this village was in what is now Whiteside County, Illinois, and is occupied at present by the town of Prophetstown.

up to the Proffets Village a young man (one of [the] Manominie Murderers)² said that the Lacc which he held in his hand had only been used on the Manomenies, but he hoped to brake, or wear it out on the Americans, the Black Hawk said that he would be ready to die in 20 days.

- “ 17 The Steam Boat Dove, passed up this day, bound for Galena, full of Passengers. Katice and part of his band arrived today.
- “ 18 Genl Atkinson returned from P du Chien this morning on board the S Boat Enterprise
- April 18, Wapala and Morgan's band arrived with some of the Manomminie Murderers, a consultation was held among the Indian[s] on the subject of delivering the murderers.
- “ 19. This day, a council was held at the camps near Fort Armstrong, by Genl Atkinson with the friendly Indians, after addressing a few words to the Genl they delivered up three of the principal foxes who were engaged in the Prairie du Chien affair, Genl Atkinson express'd his satisfaction at the good behaviour of the Foxes, and the friendly bands of Sacs.
- “ 24. Two Sacs went as express, by Request of Genl Atkinson to Black Hawk and his party, the message is to advise them to return to their own side of the Mississippi.
- “ 26 The express returned, bringing word from Black Hawk, Napope & Ke ne kan ne sat all saying that they had no bad intentions, but they

² During the year 1831 a party under Black Hawk had fallen upon a band of Menominees encamped on an island opposite Prairie du Chien and had murdered all but one of them. This was in revenge for the murder during the preceding year of some members of the British Band by Menominees and Sioux.

would not return to the west side of the Mississippi, they said they were going to the place where they had been invited, but did not say where that place was. in the evening, Keokuck came to me with one of the young men of the express, stating that Mr. H. Gratiot³ Sub agt & a Mr Cabbage were prisoners at the Proffets Village, I immediately went with Keokuck and the young man to Genl Atkinson and gave him information of the report.

- “ 27 Mr Gratiot arrived at Fort Armstrong and reported that the Sac Indians headed by Black Hawk and the mixt Band of Sacs & Winnebagoes with their leader the Proffet were determined on hostilities, he did not know that he was prisoner, but stated the manner in which he was treated to be unfriendly, they pulled down his flag and placed one of the British in its stead, he was surrounded by the Warriors who came and shook hands with him, after which, the One eye,⁴ (a Winnebago Chief who came down with Mr Gratiot), handed some tobacco to the Warriors, on which the[y] released him, when this was made known to Keokuck he said that Mr. Gratiot was prisoner and that he was redeemed by their axcepting the Tobacco from the Winnebago, Mr. Gratiot says those Winnebagoes who

³ Henry Gratiot had settled at an early date in the Galena lead mining region and held a powerful influence over the Winnebago Indians. For further information in regard to Gratiot see Washburne's *Col. Henry Gratiot — A Pioneer of Wisconsin* in the *Collections of the State Historical Society of Wisconsin*, Vol. X, pp. 235-260.

⁴ This Winnebago chief was more frequently known by the name of White Crow.—See the *Collections of the State Historical Society of Wisconsin*, Vol. X, pp. 495, 496.

came with him appeared to be allarmed but did not tell him the situation he was in. the Black Hawk sent Genl Atkinson's letter by Mr. Gratiot stating that if he sent officers to him they would fight them, that his heart was badly inclined ⁵

- May 1st Mr John Kinny & Jos Danfourth returned to-day from Proffets Village they report that all the Indians have left the Village.
- “ 2 Part of the Troops left Rock Island this morning on board the S Boat Enterprise bound for Galena
- “ 4 Poy-ne-ka-ne-sa said that the Sac Indians of Rock River were returning to the west side of the Mississippi, that they had been disappointed about the assistance expected from the Winnebagoes and others, that he had left them all at Proffets Village three days ago.
- “ 5 Two Indians (Sa-sa-pe-man & Che-ke-quā) were sent this day, to ascertain if the Indians were at Proffets Village, or returning down.
- “ 7 Sa-sa-pe-man & Che-ke-quā returned bringing news, that they had seen no sign of the Indians but could get no further than a few miles above the Marei D'Ogee ⁶ owing to the water and their Macasons being worn out.

⁵ This account of the mission of Gratiot to the Prophet's village corresponds very closely to that given by Wakefield, and is materially different from the one given by Washburne, the son-in-law of Gratiot. Compare Stevens's *Wakefield's History of the Black Hawk War*, pp. 37-40; Stevens's *Black Hawk War*, pp. 114, 115; Washburne's *Col. Henry Gratiot — A Pioneer of Wisconsin* in the *Collections of the State Historical Society of Wisconsin*, Vol. X, pp. 252-255; and Parkison's *Pioneer Life in Wisconsin* in the *Collections of the State Historical Society of Wisconsin*, Vol. II, p. 336.

⁶ Probably some swamp known at that time under the French name Marais D'Ogee is here referred to.

Govr Reynolds with the Malitia arrived yesterday, at Rock River, commanded by Genl Whitesides.

- “ 8 Genl Atkinson went up Rock River to the Old Sac Village, on board the Steam Boat Java and paid a visit to Govr Reynolds, Genl Whitesides &c. after some consultation returned to Rock Island.— The Troops from Praire du Chien arrived at R Island this day, on board the Steam Boat Enterprise — the Steam Boat Dove from St. Louis arrived at about 12 O Clock this night
- “ 9 This day half past nine O Clock Genl Atkinson, with his troops left Rock Island on board the Steam Boat Java bound up Rock River; arrived at the Old Sac Village at 11 O Clock, the Malitia were still encamped on the large Island in Rock River op[p]osite the old village. no further movements were made this day.

SOME PUBLICATIONS

The Story of the Great Lakes. By EDWARD CHANNING and MARION FLORENCE LANSING. New York: The Macmillan Company, 1909. Pp. ix, 398. Portrait, plates, maps.

The writers have arranged the material in this book in three parts. Part I deals with the period of *Discovery and Exploration*. Herein is sketched the story of the seventeenth century. The doings of Champlain, La Salle, and the French Governor La Barre occupy the leading place in this discussion. Part II treats of *The Struggle for Possession*, beginning with the founding of Detroit in 1701 and ending with the Black Hawk War in 1832. Part III is entitled *Occupation and Development*. It concerns itself with a variety of subjects, most prominent of which are the approaches to the Lakes (at first by Indian trails and pioneer roads and later by the Erie Canal and the railroad systems) and the industrial and commercial development of the cities upon the Lakes in the last half century.

The volume has to do with a subject of the utmost importance in American history, and the tale is interestingly told. At the same time the book is somewhat of a disappointment. To present the story of the Great Lakes in a duodecimo volume of four hundred pages with any degree of adequacy is admittedly a difficult task. Yet the reader expects a reasonable amount of discrimination in the selection of subjects to be covered in such a survey. The expectation is not satisfactorily met. The Black Hawk War should have no place in such a study, yet it occupies the importance of an entire chapter. Wayne's Campaign is not sufficiently essential to warrant the sacrifice of a chapter; and the chapter on Lincoln and Douglas in Chicago is certainly irrelevant.

The history of the early trails to the Lakes, of the Erie Canal, and of the coming of the railroads is of value to the study; but it is a question whether in so brief a discussion it would not have been

better to have given the space to events and conditions on the Great Lakes themselves. A chapter entitled *The Adventures of a Trader* tells the experiences of Alexander Henry; but Radisson and Groseilliers, Jean Nicolet, and Du Luth receive scant mention.

The work is not without mistakes. For instance, on page 214 occurs the following statement: "Black Hawk returned to his home and died the next year [1838] at the age of seventy-one, in a reservation at Des Moines, Iowa, set apart for him and his few remaining followers." As a matter of fact, in 1838, Des Moines had not yet come into being — the land upon which it now stands was not acquired by the United States until four years later. Black Hawk died in what is now Davis County, Iowa, about seventy-five miles distant from the present site of Des Moines.

There are five maps in the volume — each covering not more than a third of a page. They are crudely drawn sketches, and the one on page 202 is inaccurate in its delineation of the course of the Mississippi and in its location of the lead mines. *A Brief List of Books* appended to the volume is a useful part of the work.

JOHN CARL PARISH

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

Quantrill and the Border Wars. By WILLIAM ELSEY CONNELLEY.

Cedar Rapids: The Torch Press. 1910. Pp. 542. Portraits, plates.

The struggle between the opposing forces of freedom and slavery in "bleeding Kansas" will long continue to be a fertile field for the labors of the historian and the novelist. In the romance of heroic devotion and of unrelenting hatred and cruelty the border wars in Kansas and Missouri rival the wars which desolated the New England frontiers in the contest between France and Great Britain for the possession of America.

Mr. Connelley has caught the spirit of the period about which he writes, and he has not failed to appreciate either the real issues or the importance of the border wars which were but the prelimi-

nary skirmishes of the inevitable conflict. And he has presented a volume which, it is believed, is reasonably fair to both sides in the struggle.

While the contents of the volume center about the life of William Clarke Quantrill, the author denies the intention of producing a complete biography of the noted guerrilla, whom he calls "the bloodiest man known to the annals of America". Nevertheless, he does put forth facts regarding the career of Quantrill which have never before been published. Thus from the standpoint both of biographical data and of information concerning the border wars, Mr. Connelley's book will be welcomed as a contribution to the knowledge of the subject covered.

The early life of Quantrill as briefly sketched in this volume contradicts any idea there may be that the lawlessness and brutality exhibited in his career in Kansas were largely the result of environment. Even as a boy Quantrill is shown to have been cruel and treacherous in disposition, most pleased when causing suffering to persons or animals about him. Throughout his life he was a man whom no one could understand. And among his characteristics (pp. 58-60) there is scarcely one that is redeeming. There were occasions in the life of Quantrill when he seemed to feel within him the desire for a better life, but the opportunity passed, and amid scenes which aroused the brute within the breasts of far better men, he plunged deeper into crime.

Quantrill's first years in Kansas and Utah, and his life at Lawrence under the assumed name of Charley Hart prepare the reader for worse to come. Then came the villainous Morgan Walker raid in which Quantrill lured to their death a number of his trusting anti-slavery companions, and afterwards went over heart and soul to be the leader of the pro-slavery ruffians of Missouri. Henceforth his hand was against Kansas, albeit Kansas or Missouri, freedom or slavery meant nothing to him, except as they furnished him opportunity to gratify his insane thirst for plunder and murder.

A number of chapters deal with Quantrill's life as a guerrilla chief during the early years of the war between the States, and as a captain in the Confederate army.

Then comes the climax in the career of the outlaw — the raid on Lawrence, the town hated beyond all the towns of Kansas because it had been founded by the Emigrant Aid Society and consecrated to freedom. Nine chapters are devoted to this barbarous massacre in which over one hundred and fifty citizens were murdered in cold blood. The incidents in the terrible day are related in great detail. Quantrill was the arch-plotter in this infamous raid, and the result was such as to satisfy even his desire for slaughter and destruction.

The remaining chapters tell of the massacre at Baxter Springs, the disintegration of Quantrill's band, and the short period of his life until he fought his last battle and met his death.

The author's style of writing is sometimes monotonous and unpleasing, and the arrangement of material might be improved. But it is evident that an attempt has been made to produce a book that would not only be interesting but valuable to the investigator as well. Mr. Connelley has searched widely and has interviewed a large number of people who participated in the events described or were acquaintances of the characters in the narrative. The notes are unusually full and constitute the portion of the volume which is most valuable to the critical student of the border wars in Kansas and Missouri. Here will be found much original material hitherto unpublished. An excellent index is a source of satisfaction.

On the whole the volume is commendable, and it is the best work dealing with Quantrill which has yet appeared.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

The Story of a Border City During the Civil War. By GALUSHA ANDERSON. Boston: Little, Brown, and Company, 1908. Pp. viii, 385. Portraits, plates.

That history repeats itself becomes plain to the reader of this book. Nor is it strange that we should find such repetition in the

narrative of two civil wars, because the causes and situations are very similar despite differences in time and place. Speaking generally of course, it is as if Mr. Anderson's story of St. Louis and Missouri were but a modern version of the contest described in Lord Clarendon's *Great Rebellion*, or Ludlow's *Memoirs*, or Baillie's *Journals* in English history, although we are aware that our author was not really an active or leading participant in the stirring events of his time.

In this luridly-bound volume the author has sought to present the peculiar history of the chief city of Missouri, one of the most distracted regions on the border line of the conflict between North and South. He describes St. Louis as it was in 1860, tells of antebellum influences and of rival political and military clubs in the city. He then shows, how in the face of a disloyal Governor and State Convention, the loyalists took possession of the Government arsenal and broke up the rebel encampment at Camp Jackson, an act which precipitated panic in the city. Now that Missouri was thrown into a state of war, the author gives his personal observations on the pulpit and the press; the formation of parties and the origin of factional bitterness in the city; slaves, slave-pens, prisons, and troops of loyalist refugees; the good work of homes and hospitals; and finally the success of Northern principles in Missouri. Mr. Anderson treats of military movements and acts of the general government only when they affected the life of St. Louis citizens. A map to explain military operations in Missouri would have been a great aid to the reader. In his characterization of Generals Fremont, Halleck, Schofield, and Rosecrans the author does not hesitate to point out their elements of strength and weakness.

In a review of historical works into which the personal element largely enters, one may adopt a few general canons of criticism. Is the author well-informed? Is he impartial? When did he write? Did he write to justify any view or support any party or explain any course?

Mr. Anderson's personal observations of life in St. Louis from 1858 to 1866 are doubtless accurate and correct; and his authority may be accepted without misgiving. But even though his recollec-

tion of rebellion days may be "fresh and vivid" after fifty years, he has been forced to search through the Government's *Official Records of the War* and Moore's *Rebellion Record* — these sources and others have served to prompt his memory and to verify his recollections. The author may have started out to be impartial, but very often he has dipped his pen into highly colored partisanship: the fact that he was a loyal supporter of the Union is never held in abeyance. As to the nature of such passages, the reader must judge for himself.

It is to be regretted that a man of Mr. Anderson's energy and ability should not have kept a diary of the times — unconscious testimony of this kind would have presented a truer and more living picture of the thoughts, feelings and circumstances of the citizens, and his work would therefore have been more interesting, and certainly invaluable as a store of original historical writing.

J. VAN DER ZEE

THE STATE UNIVERSITY OF IOWA
IOWA CITY

The Romance of American Expansion. By H. ADDINGTON BRUCE.
New York: Moffat, Yard & Company. 1909. Pp. xiii, 246.
Portraits.

This volume consists of eight biographical sketches and a chapter given up to hints for further reading. The writer has attempted to present a live picture of American expansion by choosing the individual most intimately concerned in each of the great movements of our territorial growth and tracing his part in the events. The scope of the work is well shown by the titles of the chapters which are as follows: Daniel Boone and the Opening up of the West, Thomas Jefferson and the Louisiana Purchase, Andrew Jackson and the Acquisition of Florida, Sam Houston and the Annexation of Texas, Thomas Hart Benton and the Occupation of Oregon, John Charles Fremont and the Conquest of California, William Henry Seward and the Alaska Cession, William McKinley and the Transmarine Possessions, and Hints for Further Reading.

The writer has of course limited his biographical material rather strictly to that part of the life of each man, which is directly connected with the movement under discussion, and has combined with these facts sufficient description of the background and history of the movement to make the general story understandable. This method has its advantages and its drawbacks. It enables the writer to vitalize the subject of territorial expansion and to present the picture in a few bold and interesting strokes. On the other hand there is the danger of unduly emphasizing the importance of any one man in a given movement and neglecting the influence of minor characters and contemporary events.

Barring this weakness which is inherent in the method and not in the work, the product is full of merit. It presents no new material, nor does it pretend to do so. But it gives to the popular reader an excellent idea of the part taken by certain men in our national growth and it portrays vividly the high lights of the expansion movement.

Maps would have added to the usefulness of the work. The last chapter covers twenty-seven pages and is given up to Hints for Further Reading. This is an excellent feature of the book and presents an admirable summary of material for those who do not care to go too deeply into original sources.

JOHN CARL PARISH

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

The Transition in Illinois from British to American Government.

By ROBERT LIVINGSTON SCHUYLER. New York: The Columbia University Press. 1909. Pp. xi, 145.

There have been many indications in late years that the history of the Middle West is at last to receive the consideration which it deserves. The many errors regarding western history which have occurred in even the best of the general American histories, have revealed the necessity for a large number of critical and reliable historical monographs on various subjects of Mississippi Valley history.

Dr. Schuyler's monograph can hardly be said to contain anything that is distinctly new. But its chief value lies in the fact that it is a clear and concise résumé of the subject and period with which it deals, within the bounds of a single volume.

The first chapter is devoted to the *British Policy in the West*. The author discusses briefly the early English explorations and trade west of the Alleghanies, and the policy of the British government to encourage western settlement prior to 1763. The main provisions of the Proclamation of 1763 are then outlined, and the reasons and results of the British policy subsequent to 1763 are indicated.

Illinois Under Great Britain and The Westward Expansion of Virginia and Genesis of the Expedition of 1778 are the titles of the second and third chapters respectively. The fourth and fifth chapters deal with the conquest of the Old Northwest by George Rogers Clark, a story which will never lose its interest through repetition. The turbulent period of the first attempts at government by the Americans is described in the chapter on *Illinois Under Virginia, 1778-1783*. The final chapter, on *The Peace Negotiations and the West* contains many interesting facts and suggestions.

The author has apparently not examined the extensive collection of the papers of George Rogers Clark and other papers in the *Draper Collection* at Madison, Wisconsin, and various other collections, such as the *Cahokia Records* which were published by the Illinois State Historical Library in 1907, and the *Kaskaskia Records* which are being prepared for publication. Nevertheless, a large number of sources have been consulted as is indicated by the copious foot-notes, and the monograph bears the stamp of conscientious preparation. The lack of an index is to be regretted.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

AMERICANA

GENERAL AND MISCELLANEOUS

An excellent *Geological Map of Ohio* has been prepared and published by J. A. Bownocker, State Geologist of Ohio.

R. Burnham Moffat is the author of a volume of *Moffat Genealogies: Descent from Rev. John Moffat of Ulster County, New York*.

In the January number of the *Bulletin of the Indiana State Library* there may be found a list of references on the subject of the *Increase of the Navy*.

In the *Journal of the United States Cavalry Association* for January may be found a number of extracts from an old Record-Book relating to *Kit Carson*.

Of special interest in the *Report of the Librarian of Congress* for the year ending June 30, 1909, is a list of the accessions of *Manuscripts and Broad-sides*.

The Library of Congress has published in two volumes *A List of Geographical Atlases in the Library of Congress*, compiled under the direction of Philip Lee Phillips.

Diplomatic Memoirs, written by John W. Foster, is a two-volume work of great value to the student of the foreign relations of the United States during the last forty years.

Cyrus Hall McCormick: His Life and Work, by Herbert N. Casson, is a volume published by A. C. McClurg and Company in 1909, the year of the centennial anniversary of the great inventor's birth.

A Child's Guide to American History is the title of a volume by Henry William Elson, which, although somewhat ill-proportioned, will be of value as a supplementary reader in the public schools.

Revision and Reform of the Postal Service is the title of a pamphlet by Wilmer Atkinson. It consists substantially of an argument presented to a committee of the National House of Representatives against an increase of the postage rate on second-class matter.

The opening contribution in volume five number four of the quarterly issue of the *Smithsonian Miscellaneous Collections* is an illustrated account of the *Prehistoric Ruins of the Gila Valley*, by J. Walter Fewkes.

An *Education Department Bulletin* published by the University of the State of New York on January 1, 1910, contains a report on *The Translation and Publication of the Manuscript Dutch Records of New Netherland*.

In the January number of the *Bulletin of the New York Public Library* there is a *List of Works in the New York Public Library Relating to the Near Eastern Question and the Balkan States*, which is continued in the March number.

A pamphlet entitled *Was Secession Taught at West Point?* contains an address by James W. Latta, in which special attention is given to William Rawle's commentary on the Constitution and its influence on the minds of the cadets.

A. Maurice Low is the writer of a volume entitled *The American People: A Study in National Psychology*, which is especially interesting since it embodies the observations and conclusions of a critical English student of American affairs.

Frank Chamberlain is the author of an interesting little volume entitled *Hudson Tercentenary: An Historical Retrospect*. It deals with the quest for an all-water route to India, the obstacles in the way, and Hudson's voyage to America in 1609.

Among the spring publications of A. C. McClurg and Company will be *The Diary of James K. Polk During his Presidency, 1845 to 1849*, in four volumes, edited by Milo Milton Quaife, and with an introduction by Andrew C. McLaughlin.

The American-British Fisheries Question, by Thomas Willing Balch; and *Further Notes on Ceremonial Stones, Australia*, by R. H. Mathews, are articles in the *Proceedings of the American Philosophical Society* for September to December.

Among the recent volumes on Lincoln are: *Abraham Lincoln: the People's Leader in the Struggle for National Existence*, by

George Haven Putnam; and *Lincoln the Leader, and Lincoln's Genius for Expression*, by Richard Watson Gilder.

The *Twenty-Seventh Annual Report of the Executive Committee of the Indian Rights Association*, and a pamphlet containing the *Addresses* delivered at the twenty-seventh annual meeting of the Association in December, 1909, contain material of interest.

The *Memorial Addresses* delivered in the Senate of the United States on February 6, 1909, and in the House of Representatives on February 21, 1909, in honor of the late Senator William Boyd Allison, make a volume of nearly one hundred and eighty pages.

The *Report of the Twenty-Seventh Annual Meeting of the Lake Mohonk Conference of Friends of the Indian and Other Dependent Peoples* contains a number of able papers on various subjects connected with the Indians and the people of the island possessions of the United States.

Among the *Bulletins* recently issued by the Bureau of American Ethnology are: *Unwritten Literature of Hawaii*, by Nathaniel B. Emerson; *Tlingit Myths and Texts*, by John R. Swanton; and *The Choctaw of Bayou Lacomb, St. Tammany Parish, Louisiana*, by David I. Bushnell, Jr.

In January the Division of Documents in the Library of Congress began the publication of a *Monthly List of State Publications*, which will be of much value to investigators, libraries, legislative reference departments, and others interested in official activities in the various States.

A recent number of the *Johns Hopkins University Studies in Historical and Political Science* is devoted to an interesting study of *England and the French Revolution 1789-1797*, by William Thomas Laprade. A comprehensive *Bibliography of Sources* is a praiseworthy feature of the monograph.

Among the contributions in the January number of *The Scottish Historical Review* are the following: *Portraits of the First Five Jameses*, by James L. Caw; *The Franco-Scottish League in the Fourteenth Century*, by James Mackinnon; *The Scottish Crown and the*

Episcopate in the Medieval Period, by John Dowden; and *Foundation of the Austin Priors of Nostell and Scone*, by James Wilson.

The Scientific Presentation of History is the title of a paper by Lynn Thorndyke, which is reprinted from the February number of the *Popular Science Monthly*. The writer presents an interesting though not entirely convincing contribution to the discussion of the much mooted question of the aims and methods of the historian.

Municipal Bulletin No. 1, prepared by the Bureau of Statistics of the Commonwealth of Massachusetts, bears the title, *A Uniform Classification of Municipal Receipts and Payments*. This classification is prescribed for the cities and towns of Massachusetts as a basis for a standard system of accounts and reports, and will prove of interest and value to those interested in municipal affairs everywhere.

The January number of *The American Catholic Historical Researches* contains a discussion of the services of *General Count Casimir Pulaski: The Father of the American Cavalry*, by Martin I. J. Griffin. This discussion embodies much valuable documentary material. In the April number Mr. Griffin presents a companion article on *General Thaddeus Kosciuszko: The Father of the American Artillery Service*.

Landmarks of Botanical History: A Study of Certain Epochs in the Development of the Science of Botany, is the subject of an extended monograph by Edward Lee Greene, in volume fifty-four of the *Smithsonian Miscellaneous Collections*. This monograph, which is the beginning of a series, deals with the period prior to 1562 A. D., and very properly places emphasis upon the lives of the leaders of thought and investigation in the field of botany.

Among the articles in the January number of *Americana* are: *Washington Before the Revolution*, by William S. Birge; and *The Story of Black Hawk and his Wars*, by J. V. Roach. In the February number articles of special western interest are: *The History of Starved Rock*, by William W. Loomis; *Some Indian Literature*, by Hattie C. Sleeper; and *The Last Days of John Brown*, by Cath-

erine Frances Cavanaugh. *Las Cruces*, by P. E. McClenahan; and *An Indian Payment*, by Crocket McElroy, are among the articles in the March number.

The February number of *The Yale Review* opens with an editorial comment entitled *Sending in the Bill; A Roosevelt Legacy*. Then follows an article on *The British Budget of 1909*, by George L. Fox. Allen Johnson writes on *American Budget-Making*; there is an article on *The Federal Corporation Tax and Modern Accounting Practice*, by A. M. Sakolski; and the first installment of a discussion of *The Holding Corporation*, by Maurice H. Robinson, is the closing contribution.

The January number of the *Historical Collections of the Essex Institute* opens with the first installment of an account of *Marblehead in the Year 1700*, by Sidney Perley. Another article which is of particular interest is one by Henry Follansbee Long on *The Newburyport and Danvers Railroads*, which deals with the construction and early working of railroads in central Essex County. Among the genealogical material are a number of sketches by George Harlan Lewis.

John Holladay Latane writes on *Problems of the American College*, in *The South Atlantic Quarterly* for January. *Ballot Laws in the Southern States* is an interesting article by Arthur Ludington. *The Incidence of the Federal Corporation Tax*, by Alvin S. Johnson; *The Construction of Good Roads in the South*, by Joseph Hyde Pratt; and *The Antecedents of the North Carolina Convention of 1835*, by William K. Boyd, are among the other contributions.

The New York State Library has published a *Calendar of the Sir William Johnson Manuscripts* contained in the Library. The manuscripts here listed and described as to contents cover the years from 1733 to 1808, and there is a comprehensive index. The volume will be of much service to the person studying the British policy in dealing with Indians, and the activities of British Indian Agents before the American Revolution, of whom Sir William Johnson was probably the most successful.

Pamphlets issued by the American Association for International Conciliation from December to April, inclusive, are: *Cecil Rhodes and his Scholars as Factors in International Conciliation*, by F. J. Wylie; *The East and the West*, by Seth Low; *The Moral Equivalent of War*, by William James; *International Unity*, by Philander C. Knox; *The United States and Australia*, by Percival R. Cole; and *The United States and Germany*, by Judge Karl von Lewinski.

In the first number of the fourth volume of *The Journal of American History* may be found the following contributions: *Memoirs of an American Official in Service of the King*, written by John Moore about 1820; *First Accounts of the Revolution for American Independence*, by David E. Phillips; *First English Children in America*, by Mrs. Sally Nelson Robins; *Reminiscences of an American Mother on the Western Frontier*, by Mrs. D. M. Valentine; and *Experiences of the French Huguenots in America*, by James Tompkins Watson.

The Physiology of Politics is the title of the presidential address of A. Lawrence Lowell, delivered at the annual meeting of the American Political Science Association in December, 1909. The address is printed in the February number of *The American Political Science Review*. The other articles in this number are: *Diplomatic Affairs and International Law, 1909*, by Paul S. Reinsch; and *The German Doctrine of the Budget*, by Walter James Shepard. There are the usual valuable notes, book reviews and bibliographies.

Race and Marriage, by Ulysses G. Weatherly; *The American Reformatory Prison System*, by Z. R. Brockway; *Improvements in Industrial Life Insurance*, by Charles Richmond Henderson; *Municipal Review, 1908-1909*, by Clinton Rogers Woodruff, and *The Definition of the City*, by René Maunier, are contributions to the January number of *The American Journal of Sociology*. Among the articles in the March number are: *Religion and the Mores*, by William G. Sumner; *The Psychological View of Society*, by Charles A. Ellwood; and *Changes in Census Methods for the Census of 1910*, by E. Dana Durand.

In the February number of *The Quarterly Journal of Economics* there is the first installment of a discussion of *Proposals for Strengthening the National Banking System*, by O. M. W. Sprague. Two timely and interesting articles relating to current affairs in England are: *The Struggle over the Lloyd-George Budget*, by Edward Porritt; and *The Single Tax in the English Budget*, by H. J. Davenport. The conclusion of Thornton Cooke's study of *Insurance of Bank Deposits in the West*; and an article on *Co-operative Marketing of California Fresh Fruit*, by Fred Wilbur Powell, are other contributions.

Some Phases of the Law of Master and Servant: An Attempt at Rationalization, by Arthur Gray Powell; *The Power of Congress and of the States Respectively, to Regulate the Conduct and Liability of Carriers*, by Frederick H. Cooke; and *A Modern View of the Law Reforms of Jeremy Bentham*, by Frederick N. Judson, are contributions in the January number of the *Columbia Law Review*. In the February number may be found *Monopolies: The Cause and the Remedy*, by Charles P. Howland; and *A Revival of Codification*, by Francis M. Burdick. *Inadequacy of the Present Federal Statute Regulating Interstate Rendition*, by Wilbur Larremore, is an article in the March number.

The New South is the general subject about which cluster the articles in the January number of *The Annals of the American Academy of Political and Social Science*. The discussions are mainly on the economic or industrial development of the South in recent years. The supplement to this number contains an address by Count J. H. von Bernstorff on *The Development of Germany as a World Power*, together with an introductory address by Charlemagne Tower. The March number is devoted to *Public Recreation Facilities* and the contents are grouped under the general headings of *Typical Parks — National, State, County and City*, and *The Social Significance of Parks and Playgrounds*. The supplement bears the title, *Child Employing Industries*, and contains the proceedings of the sixth annual meeting of the National Child Labor Committee.

Articles of historical or political interest in the January number of *The American Review of Reviews* are: *Russia's Financial Condition*, by Frederic Austin Ogg; *Water-Power Sites on the Public Domain*, by Richard A. Ballinger; and *Belgium and the New Régime*. W. F. Stead writes on *The General Election in Great Britain* in the February number. *The Men Who Are Governing New York City*, by William B. Shaw; *Spain's Economic Revival*, by Frank D. Hill; and *Do Trusts Make High Prices?*, by Jeremiah W. Jenks, may be mentioned among the articles in the March number. Two discussions of the situation in England in the April number are: *King Edward in England's Time of Crisis*, by W. F. Stead; and *The Public Finances of Great Britain*, by Frederic Austin Ogg.

F. H. Giddings discusses *Social Self-Control* in the *Political Science Quarterly* for December. *The Ballot's Burden* is the title of an article on an important American problem, by Charles A. Beard. In *State Taxation and Forest Lands*, Clement F. Robinson deals with an interesting subject. *The Necessary Readjustment of Railway Rates*, by C. C. McCain, is another contribution. The March number is also filled with interesting discussions of current topics, among which may be mentioned: *The Attitude of Private Conscience Toward Corporate Right*, by Joseph B. Ross; *Congress and the Supreme Court*, by Harold M. Bowman; *The Payne-Aldrich Tariff*, by George M. Fisk; and *The British Budget and Social Reform*, by George Paish.

WESTERN

Kentucky in the Nation's Making, by P. N. McElroy, is a recent western item.

Frederic L. Paxson is the author of a volume entitled *The Last American Frontier*.

Daniel Boone and the Wilderness Road, by H. Addington Bruce, is an addition to Western Americana issued by The Macmillan Company.

A recent number of the *University Bulletin* of the University of

Michigan contains an address on *Peter White as Man and as Citizen*, delivered at Ann Arbor in March, 1909, by Levi L. Barbour.

Stephen A. Douglas: his Life, Public Services, Patriotism, and Speeches, by Clark E. Carr, is a publication of A. C. McClurg and Company.

St. Louis — Historical and Interesting Places is the title of a little book by Idress Head, librarian of the Missouri Historical Society.

Two recent volumes dealing with the history of Missouri are: *The Struggle for Missouri*, by John McElroy; and *The Conquest of the Missouri*, by J. M. Hanson.

The Family History of Michael Jackson, written by Horace Mortimer Jackson, is a recent addition to genealogical literature which is of special interest in the Middle West.

A facsimile reprint of the *Narrative of Mr. John Dodge during his Captivity at Detroit*, with an introduction by Clarence M. Burton, has been published by The Torch Press of Cedar Rapids, Iowa.

Freight Rates and Manufactures in Colorado: A Chapter in Economic History, by John Burton Phillips, is the opening contribution in the December number of *The University of Colorado Studies*.

Volume four, part one of the *Anthropological Papers of the American Museum of Natural History* consists of a monograph on the ethnology and mythology of *The Assiniboine*, written by Robert H. Lowie.

A photographic *Facsimile of Pere Marquette's Illinois Prayer Book*, which is in the hand-writing of the well-known Jesuit Father Claude Allouez, has been published by J. L. Hubert Neilson, the owner of the manuscript.

A pamphlet devoted to a *Comparison of Increase in Cost of Living and Elementary Teachers' Salaries*, prepared by the Teachers' Salary Conference of the City of Chicago, contains charts and information which will be of general interest.

Among the recent numbers of the *University of California Publications in American Archaeology and Ethnology* are: *Kato Texts* by Pliny Earle Goddard; *Shellmounds of the San Francisco Bay Region*, by N. C. Nelson; and *Yana Texts*, by Edward Sapir. These texts are given both in the Indian language and in translation, and deal with Indian myths and legends.

Under the heading *In Memoriam: Dean Stringham*, in the January number of *The University of California Chronicle* there are printed a number of tributes to the late Dean of the Faculties of the University of California. Among the other contributions may be mentioned one by Bernard Moses, on *Francisco de Aguirre, a Minor Conquistador*.

W. Straley is the author of a unique little booklet entitled *Archaic Gleanings: A Study of the Archeology of Nuckolls County, Nebraska*. The writer deals with such subjects as flint implements, arrow-shaft smoothers, stone mauls, pottery and skeletal remains. There is a map of Nebraska showing the location of the Indian tribes in 1823, and there are a number of illustrations.

In the *Proceedings of the Fiftieth Anniversary of the Admission of the State of Oregon into the Union* may be found an account of the exercises held at Salem on February 15, 1909. The anniversary address was delivered by Frederick N. Judson of St. Louis. At the request of Governor George H. Chamberlain an article by Franklin P. Rice on *Eli Thayer and the Admission of Oregon* is printed in the *Proceedings*.

An *Instruction Paper* recently issued by the Educational Bureau of Information of the Union Pacific Railroad Company is devoted to a sixty-page *History of the Union Pacific*. The limits of the book necessarily preclude more than a clear statement of the main events and a discussion of the services of the leading characters connected with the history of the road. But the result is commendable since it enables the reader to gain a good idea of the subject within the course of an evening's reading. Deserved tributes are paid to Peter A. Dey and Grenville M. Dodge of Iowa, who were successively the Chief Engineers in charge of the construction of

the road. As is pointed out, the parts of Mr. Dey's original survey which were at the time rejected, have since been followed, and "the necessity of return to this cross route, or Lane Cut-off of to-day (opened for business May 15, 1908), is a silent, but substantial, compliment to the wisdom of the original survey, vindicating Mr. Dey, who has lived to see it built." In the appendices are a number of comparisons which indicate the growth of the business of the Union Pacific since 1870.

What the Dutch Have Done in the West of the United States, by George Ford Huizinga, is an interesting and attractive booklet of about fifty pages. The essay herein contained was awarded the first prize offered by Edward Bok to the students and alumni of Hope College, Holland, Michigan, for the best essay on the subject indicated. The Dutch settlements in Michigan and Iowa receive special treatment, and the whole field is covered, very briefly of course, but as satisfactorily as could be expected within the number of pages employed.

IOWANA

A pamphlet published at Iowa City contains an address on *Geology and Revelation*, by Samuel Calvin.

Some Summer Days in Iowa, by Frederick John Lazell, is a neat little volume published by The Torch Press.

An *Index to the Iowa State Bar Association Proceedings* for the years 1895-1909, prepared by A. J. Small, has recently been published.

In the issue of *The Jackson Sentinel* (Maquoketa, Iowa), published on February 10, 1910, will be found an article by Harvey Reid entitled *Thomas Cox: Some Additional Details of his History — Other Jackson County Pioneers*.

Willis Bruce Dowd is the author of a little volume entitled *James Grant: A Model American*, which will be especially welcome in Iowa where James Grant was a leading lawyer in the early days, his home being at Davenport. Moreover, the writing of this tribute to the "sturdy pioneer of Iowa" and the first president of the Chi-

cago and Rock Island Railway, was inspired by the reminiscences of another of Iowa's sons — John F. Dillon.

Chief Justices John Marshall and Roger Brooke Taney is the title of an address delivered by Major John F. Lacey at the Mahaska County Bar Banquet, in December, 1909, which has been printed in pamphlet form.

The Second Annual Report: Statistics of Cities and Towns of Iowa, 1908-9, prepared by the Auditor of State, has been published, in accordance with an act of the Thirty-first General Assembly prescribing a uniform system of municipal accounts.

Biographical Data and Army Record of Old Soldiers Who Have Lived in O'Brien Co. Iowa is the title of a somewhat unique volume compiled by George W. Schee and O. H. Montzheimer. Nearly six hundred names are listed in alphabetical order, and the data concerning each one, although brief, is such as to make the volume a valuable one.

Masonic Symbols; their Meaning and Probable Origin, by Thomas P. C. Barnard, is an article in the December number of *The American Freemason*, which is continued in the January and February numbers. *A General Grand Lodge: Documents Pertinent to the Controversy*, contributed by the editor, Joseph E. Morcombe, is also continued through these three numbers.

In the December number of *Autumn Leaves* may be found some *Reminiscences of Liberty Hall*, by Joseph Smith. James E. Yates is the writer of a brief article on *The Indians* in the February number, and there is an extended editorial on *Modern Methods in the Treatment of Criminals*. F. E. Ovendon tells of *A Visit to the Largest Prehistoric Mound in the World* in the March number.

Uniformity in Water Rates, by M. Hammond; and *The Law of Water Rates*, by B. F. Swisher, are articles in *Midland Municipalities* for January. In the February number may be found discussions of *Municipal Taxation of Railroads*, by C. G. Saunders, and by Charles D. Huston. The March number contains an article on *The Law of Special Assessments*, by E. L. Hirsch; and one on

Street Paving, by A. E. Johns. The April number is largely devoted to the *Minutes of First Annual Meeting of the League of Nebraska Municipalities* held at Lincoln on January 26, 1910.

Heman C. Smith is the author of a *Biography of Sidney Rigdon* which is the opening contribution in the January number of the *Journal of History*, published by the Reorganized Church of Jesus Christ of Latter Day Saints at Lamoni. There are continuations of the *Biography of James Caffall*, by the same author; of the *Autobiography of Charles Derry*; and of the sketch of the life of *Oliver Cowdery*, by Heman Hale Smith. *Temple Lot* and *Personnel of Leading Quorums* are the titles of other contributions.

In *The Midwestern* for January are two articles on *The Des Moines Plan*, one favoring it, by Henry E. Sampson; and the other opposing it, by W. W. Wise. These articles appeared once before in *The Midwestern* in June, 1909, but have been revised. *The Insurgent Movement* is a brief article by Malcolm MacKinnon. Among the articles in the March number are *The Candidate from the Seventh*; *The Candidate in the Ninth*, by Malcolm MacKinnon; and *Visiting the Historical Department of Iowa*, by Edgar R. Harlan. *A Symposium on the Good Roads Question*, and *Mr. Wylie and the Transportation Company* are to be found in the March number.

How We Built the Union Pacific Railway and Other Railway Papers and Addresses, by Grenville M. Dodge, is a volume of special interest in Iowa, because not only the writer, but Peter A. Dey, John Plumbe, James Harlan, and other Iowans, were in one way or another intimately connected with the building of the road. The first fifty pages are devoted to an account of the work done by General Dodge and his party of engineers. Then follow a number of papers and addresses, among which may be mentioned *The Building of the Union Pacific Railroad and Its Relation to Council Bluffs and Western Iowa*, and *The Pioneers and Development of the West*.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Ayers, Philip Wheelock,

Commercial Importance of the White Mountain Forests.
Washington: Department of Agriculture. 1909.

Baker, Elwood T.,

*Genealogy of Eber and Lydia Smith Baker of Marion, Ohio,
and their Descendants.* Chariton: Lydia A. Copeland. 1909.

Bickel, Milton Valentine,

Poultry Packers Guide. Mason City: Pool Publishing Co.
1909.

Brainerd, Eleanor Hoyt,

The Personal Conduct of Belinda. Doubleday, Page & Co.
1910.

Brown, Charles Reynolds,

Faith and Health. New York: Thomas Y. Crowell & Co. 1910.

The Gospel of Good Health. New York: Pilgrim Press. 1910.

Butler, Alford A.,

How to Understand the Words of Christ. New York: Thomas
Whittaker. 1909.

Calvin, Samuel,

Geology and Revelation. Iowa City: Privately printed. 1909.

Cooley, Roger William,

Brief Making and the Use of Law Books (Second Edition).
St. Paul: West Publishing Co. 1909.

Devine, Edward T.,

Social Forces. New York: Charities Publishing Co. 1909.

Dodge, Grenville M.,

*How We Built the Union Pacific Railway and Other Railway
Papers and Addresses.* Council Bluffs: Published by the
author. 1910.

Franklin, William Suddards,

Electric Waves. New York: The Macmillan Co. 1909.

Garland, Hamlin,

Cavanagh-Forest Ranger. New York: Harper & Brothers.
1910.

Gillette, Halbert Powers (Joint Author),

Cost Keeping and Management Engineering. Chicago: Myron
C. Clark Publishing Co. 1909.

Goodyear, Lloyd E.,

Progressive Business Accounting. Waterloo: Waterloo Sys-
tems Co. 1910.

Goodyear, Samuel Horatio,

Goodyear's Advanced Accounting. Cedar Rapids: Goodyear-Marshall Publishing Co. 1909.

Gordon, Henry Evarts (Joint Editor),

Winning Speeches in the Contests of the Northern Oratorical League. New York: American Book Co. 1909.

Henshaw, Helen,

The Passing of the Word. Cedar Rapids: The Torch Press. 1910.

Holst, Bernhart P.,

New Teachers' and Pupils' Cyclopedia. Boone: Holst Publishing Co. 1910.

Hughes, Rupert,

The Musical Guide. New York: Doubleday, Page & Co. 1909.

Hurd, Marian Kent, and Wilson, Jean Brigham,

When She Came Home from College. Boston: Houghton Mifflin Co. 1909.

Hutchinson, Woods,

The Conquest of Consumption. Boston: Houghton Mifflin Co. 1910.

Kaye, John Brayshaw,

Trial of Christ in Seven Stages. Boston: Sherman, French & Co. 1909.

King, Irving,

The Development of Religion. New York: The Macmillan Co. 1910.

Medbury, Charles S.,

From the Jordan to the Throne of Saul. Cincinnati: Standard Publishing Co. 1910.

Murphy, Thomas D.,

In Unfamiliar England. Boston: L. C. Page & Co. 1910.

Parish, John Carl,

John Chambers. Iowa City: The State Historical Society of Iowa. 1909.

Quaintance, Altus Lacy,

Fumigation of Apples for the San Jose Scale. Washington: Government Printing Office. 1909.

Rhodes, John Chester,

Questions and Answers in the Use of Coal and Oil Fuels and Locomotive Operation. Valley Junction: Published by the author. 1910.

Rockwood, Elbert W.,

Introduction to Chemical Analysis for Students of Medicine, Pharmacy and Dentistry. (Revised edition). Philadelphia: P. Blakiston's Sons & Co. 1909.

Schee, George W., and O. H. Montzheimer,

Biographical Data and Army Record of Old Soldiers Who Have Lived in O'Brien Co. Iowa. Primghar: Privately printed. 1909.

Thanet, Octave (Alice French),

By Inheritance. Indianapolis: The Bobbs-Merrill Co. 1910.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

The Register and Leader

Sketches of the Lives of Iowa Women, by Addie B. Billington. (In each Sunday issue.)

Benjamin F. Gue — Advocate of Coëducation, by L. F. Andrews, January 2, 1910.

First House in Iowa Falls, January 9, 1910.

Sketches of Lives of John and Lavisia Trebilcock, January 9, 1910.

Sketch of Life of C. H. Gatch, by L. F. Andrews, January 16, 1910.

Curious Customs of the Indians at Tama Reservation in Iowa, January 23, 1910.

Fifty Years Ago in Iowa, by P. A. Smith, January 23, 1910.

Judge William Fitch Conrad's Escape from a Confederate Prison, by L. F. Andrews, January 30, 1910.

Wonderful History of the Trappist Monastery near Dubuque, January 30, 1910.

Geologist Lees' History of Iowa Coal, January 30, 1910.

Voltaire P. Twombly and the Second Iowa at Fort Donelson, February 6, 1910.

Herman L. Cook, a Veteran Conductor, February 6, 1910.

Sketch of Life of Milton Logan — A Juror in Case which Lincoln Won, February 12, 1910.

Class of '79 of Iowa University, February 13, 1910.

Sketch of Life of Thomas E. Haines, by L. F. Andrews, February 13, 1910.

Lover's Leap a Romantic Feature of Columbus Junction History, February 13, 1910.

Topics of the Times Twenty-five Years Ago, Gleaned from the Files of the Iowa State Register, February 14 and 28, 1910.

Story of How Muchakinoek Became Thriving Happy Buxton, February 20, 1910.

Sketch of Life of Julien Dubuque, February 27, 1910.

Two Veteran Iowa Insurance Men — C. W. Fracker and A. A. Clark, by F. E. Foster, February 27, 1910.

J. C. Painter — An Early Settler Who was Sheriff, by L. F. Andrews, March 6, 1910.

James Gamble Day and His Prohibitory Amendment Decision, by L. F. Andrews, March 13, 1910.

Frank Palmer — A Great Iowan, by L. F. Andrews, March 20, 1910.

Mrs. Abigail A. Gray — Iowa's Earliest Settler, March 20, 1910.

Six Soldier Sons of David McCord Who Insisted on Enlisting, March 27, 1910.

Henry Sabin and His Highly Esteemed Work for Education, by L. F. Andrews, March 27, 1910.

Iowa Couples Who Have Been Married Fifty Years or More, March 27, 1910.

The Burlington Hawk-Eye

Twenty Years Ago (In each Sunday issue).

The Chronological Story of 1909, January 2, 1910.

Dr. R. C. McIlwain, Dean of Keokuk's Ministers, by G. Walter Barr, January 9, 1910.

Souvenir of Old Zion Church, January 15, 1910.

Marching Through Georgia, by William D. Masters, January 16, 1910.

Two Iowa Scientists Who Have Won Fame — Samuel Calvin and Thomas H. Macbride, January 23, 1910.

Abraham Lincoln's Visit to Oquawka During the Black Hawk War, January 29, 1910.

- Thirteenth Iowa First to Enter Columbia, South Carolina, January 30, 1910.
- The State Historical Society of Iowa, February 6, 1910.
- Keokuk's Old Booms and the New Water Power, by Richard B. B. Wood, February 6, 1910.
- Some Early Events in Iowa History — Reminiscences from Manuscript of T. S. Parvin, February 13, 1910.
- Who Captured Columbia, South Carolina, During Sherman's Raid?, February 13, 1910.
- Forty Years After Sherman's March, February 20, 1910.
- Authentic Story of the First Settlement of Burlington, by William Henry Smith, February 20, 1910.
- Henry Smith's Story of Early Burlington Praised by the Old Time Residents, February 23, 1910.
- Sketch of Life of John Otto, February 23, 1910.
- A Burlington Minister's Story of the Camden Expedition, February 27, 1910.
- Another Story of the Camden Expedition, March 6, 1910.
- Veterans Returning to Duty, by W. P. Elliott, March 6, 1910.
- More About Sherman's March Through South Carolina, by Hiram Heaton, March 13, 1910.
- The Varied and Interesting Life of John Chambers, Iowa's Second Governor, March 20, 1910.
- Judge E. S. Huston's Story of Sherman's Raid Through Georgia, March 27, 1910.

The Cedar Rapids Republican

- Sketch of Life of Porter Hamilton, January 6, 1910.
- Iowa — Facts Concerning the Hawkeye State, by Anna Sanders, January 16, 1910.
- The Story of the State Historical Society of Iowa, January 23, 1910.
- Letter of Years Ago, March 16, 1910.
- A Rare Book on the Spirit Lake Massacre, March 20, 1910.

The Sioux City Journal

- Personal Recollections of Speaker Henderson, by Julian W. Richards, March 6, 1910.

Railways and the Conquest of the West, March 13, 1910.

John Chambers — Second Territorial Governor of Iowa, March 20, 1910.

William Salter — A Prophet Honored in His Own Country, by W. H. Davidson, March 20, 1910.

HISTORICAL SOCIETIES

PUBLICATIONS

The American Antiquarian Society has issued a *Handbook of Information* about the work of the Society.

The British Board of Trade and the American Colonies, by O. M. Dickerson, is a reprint from the first volume of the *Proceedings of the Mississippi Valley Historical Association*.

The New Haven Colony Historical Society has issued a pamphlet containing the reports presented at the annual meeting of the Society in November, 1909, and a list of officers and members for the year 1909-1910.

The Narrative of the Portola Expedition of 1769-1770 by Miguel Costanso, edited by Adolph van Hemert-Engert and Frederick J. Teggart, is the latest number of the *Publications of the Academy of Pacific Coast History*.

The Masters of the Wilderness: A Study of the Hudson's Bay Company is the title of an address delivered by Charles B. Reed before the Chicago Historical Society, which has been printed in pamphlet form by the Society.

The *Proceedings of the Maine Historical Society* for the year from January to December, 1909, contains an account of the transactions of the Society, reports of officers and committees, and lists of officers and members.

Ancient Legal Contentions in Upper Medford, by Arthur E. Whitney; *Early Improvements on the Mystic*, by Moses W. Mann; and *The Last Medford Indian*, by Moses W. Mann, are among the articles in *The Medford Historical Register* for January.

The Kensington Rune Stone, Its Discovery, Its Inscriptions and Opinions Concerning Them, by Warren Upham, is the opening article in the January-February number of the *Records of the*

Past. A. L. Van Antwerp is the writer of an article on *The Aqueducts of the City of Mexico*. Among the other contributions is a discussion of *Washington's Canal Around the Great Falls of the Potomac*, by Thomas Forsythe Nelson.

In *The Virginia Magazine of History and Biography* for January there is printed a letter written by Charles Francis Adams, under the heading, *Virginia's Position in February, 1861*. The remainder of the *Magazine* is devoted to continuations of documentary material.

The November and December number of the *German American Annals* is taken up with the conclusion of Gilbert G. Benjamin's history of the *Germans in Texas*, and a continuation of William E. Bek's article on *The Community at Bethel, Missouri, and Its Offspring at Aurora, Oregon*.

In the *Proceedings of the Cambridge Historical Society* for 1909 are a number of interesting papers and addresses, among which may be mentioned: *Dr. Benjamin Waterhouse and Harvard University*, by William Coolidge Lane; and *Extracts from the Journal of Benjamin Waterhouse*, by William Roscoe Thayer.

The Evolution of the State Universal from an American Standpoint is the subject of an address delivered by William F. Woerner at a joint meeting of the Missouri History Society and the St. Louis Society of Psychology. The address has been printed in pamphlet form by the two societies.

The *Annual Report of the Director* of the Department of Historical Research of the Carnegie Institution of Washington for 1909 tells of the work accomplished during the past year, and outlines plans for 1910. The need of more adequate quarters near the Library of Congress is especially emphasized.

Edward S. Sears is the writer of a biographical sketch of *Caleb Benjamin Tillinghast*, in the January number of *The New England Historical and Genealogical Register*. Another biographical sketch is one by George F. Piper, on *Abram English Brown*. Mary Ellen Baker contributes a *Bibliography of Lists of New England Soldiers*.

F. I. Herriott's contribution to the political history of Iowa, entitled *Republican Presidential Preliminaries in Iowa — 1859-1860*; an article on *The Lyons and Iowa Central Railroad*, by Ruth Irish Preston; and a sketch of *The Old-Time Trapper*, by Tacitus Hussey, combine to make the January number of the *Annals of Iowa* an interesting one.

Historia is the title of an eight-page pamphlet or bulletin published quarterly by the Oklahoma Historical Society, the third number of which was issued in March. It is apparently published through the generosity of the Custodian, W. P. Campbell. It is to be hoped that the Society will prosper, and that the publication thus begun will be continued and improved as funds increase.

Henry A. M. Smith continues his series of sketches of South Carolina towns in the October number of *The South Carolina Historical and Genealogical Magazine* with an article on *Purrysburgh*. There are continuations of the *Records Kept by Colonel Isaac Hayne*; and of *Abstracts from the Records of the Court of Ordinary of the Province of South Carolina, 1692-1700*, by A. S. Salley, Jr.

Articles in the *Deutsch-Amerikanische Geschichtsblätter* for January are: *Geschichte der Deutschen Gesellschaft von Maryland*, by Louis P. Hennighausen; the thirty-fifth chapter of *Geschichte der Deutschen Quincy's*, by Heinrich Bornmann; *Oberst-Lieutenant Heinrich von Trebra und das 32. (deutsche) Indiana Infanterie-Regiment*, by W. U. Fritsch; and *Aus den Aufzeichnungen von L. A. Wollenweber*.

Volume nine, number one, of *The James Sprunt Historical Publications* published under the direction of the North Carolina Historical Society contains two contributions. The first is an article on *The Society for the Propagation of the Gospel in the Province of North Carolina*, by David D. Oliver; while the second consists of some *Letters of John Rust Eaton*, edited by J. G. de Roulhac Hamilton.

The July-September number of *The Quarterly Publication of the Historical and Philosophical Society of Ohio* contains some *Selec-*

tions from the *Torrence Papers*, arranged and edited by Isaac Joslin Cox. The letters here printed relate chiefly to the transfer of Louisiana, and the Burr conspiracy. The October-December number is devoted to the *Annual Report* of the Society for the year ending December 6, 1909.

The opening contribution in the December number of the *Maryland Historical Magazine* consists of a number of *Letters of Andrew Jackson to Roger Brooke Taney*, written at intervals between the years 1833 and 1842. *Col. John Eager Howard's Account of the Battle of Germantown*; an article on the *Siege and Capture of Havana in 1762*, by Robert Burton; and some *Letters Relating to the French and Indians*, may also be mentioned.

In the *Register of Kentucky State Historical Society* for January may be found an account of the meetings of the Ohio Valley Historical Association at Frankfort, Kentucky, in October, 1909. Among the articles are: *A Vanishing Race*, by Mrs. Jennie C. Morton; *Kentucky, Mother of Governors*, by John Wilson Townsend; a continuation of L. F. Johnson's *History of Franklin County*; and extracts from the *Correspondence of Governor Isaac Shelby during the War of 1812*.

The January number of *The Pennsylvania Magazine of History and Biography* contains, besides continuations, the following contributions: *Muster Rolls of Three Troops of Loyalist Light Dragoons Raised in Pennsylvania, 1777-1778*, by Carlos E. Godfrey; *Letters of Dr. John McKinley to his Wife, while a Prisoner of War, 1777-1778*, by Mary T. Evans; and *Letters of Robert Proud*, the Tory schoolmaster and historian. The *Selections from the Letter-Books of Thomas Wharton, of Philadelphia, 1773-1783*, are concluded in this number.

Canal Enlargement in New York State is a handsomely printed volume of nearly four hundred and fifty pages which forms volume thirteen of the *Buffalo Historical Society Publications*, edited by Frank H. Severance. The most extended article in the volume is an *Historical Sketch of the Board of Trade, the Merchant's Exchange and the Chamber of Commerce of Buffalo*, written by the

editor. A number of papers on various phases of the subject by men well qualified to write such discussions combine to make the volume both interesting and valuable.

Articles in the August to October number of *The Wisconsin Archeologist* are: *Remains of Aboriginal Occupation in Pewaukee Township, Waukesha County*, by Stanley G. Haskins; *The Field of the Small Museum*, by George L. Collie; and *Wisconsin Garden Beds*, by Charles E. Brown. In the October to December number there are two contributions by Charles E. Brown, the first consisting of *Additions to the Record of Wisconsin Antiquities*; while the second is an article on *The Distribution of Discoidals, Cones, Plum-mets and Boat Stones in Wisconsin*.

The Beginnings of Presbyterianism in Albany, by Victor Hugo Paltsits, is an article which is begun in the December number of the *Journal of the Presbyterian Historical Society*. Marcus A. Brownson discusses *The Calvin Celebration in Geneva and Calvin's City as it is To-day*; while *Calvin and the New World* by James I. Good, is among the other contributions. In the March number may be found a continuation of Mr. Paltsit's article, and a discussion of *The Early History of the First Presbyterian Church in Philadelphia*, by John Edmands.

Number six of the *Annals of Jackson County, Iowa*, published by the Jackson County Historical Society, has been distributed. There are a number of papers and addresses by James W. Ellis, Harvey Reid, Levi Wagoner, and others. There is a detailed account of the movement to secure an appropriation for a monument to Ansel Briggs, the first Governor of the State of Iowa. And the addresses delivered at the dedication at Andrew on September 22, 1909, are given in full. The Society is to be commended for its activity along the line of publication.

The January number of the *Missouri Historical Review* opens with *The Journals of Capt. Thomas Becknell from Boone's Lick to Santa Fe, and from Santa Cruz to Green River*. These journeys were made between the years 1821 and 1825. *Peculiarities of Life in Daniel Boone's Missouri Settlement* is the title of an article by

Will S. Bryan. *Col. Robert T. Van Horn* is the subject of an address by J. M. Greenwood, and there is *A Short Biographical Sketch of Lilburn W. Boggs*, by W. M. Boggs. The first installment of the *History of the County Press of Missouri*, by Minnie Organ, completes this number.

In the September number of *The Quarterly of the Oregon Historical Society* Edwin V. O'Hara tells of *De Smet in the Oregon Country*. F. G. Young contributes the first installment of what promises to be a valuable and scholarly monograph on *The Financial History of the State of Oregon*. T. C. Elliott is the editor of the *Journal of John Work*, which gives an excellent idea of the activities of a trader of the Hudson's Bay Company in the Northwest. The *Official Report of John Brown's Raid Upon Harper's Ferry* seems somewhat far afield. The closing contribution is *A Hudson's Bay Company Marriage Certificate*, edited by T. C. Elliott.

In the *Proceedings of the American Antiquarian Society* at the annual meeting on October 20, 1909, may be found a number of interesting and valuable papers. Austin S. Garver writes a biographical sketch of *Edward Everett Hale*; while *John Connolly, a Tory of the Revolution*, is the subject of a sketch by Clarence Monroe Burton. A vivid picture of *The Campaign of 1844* is furnished by Worthington Chauncey Ford; *Some Customs of the Macheyengas* are described by William Curtis Farabee; and the closing contribution consists of *The Journal of Sir William Pepperrell* kept during the expedition against Louisbourg in 1745, which is edited by Charles Henry Lincoln.

The *Proceedings of the State Historical Society of Wisconsin* at the fifty-seventh annual meeting held on October 21, 1909, is a volume which will be of interest and value to students of history throughout the Mississippi Valley. The address on *Indian Diplomacy and the Opening of the Revolution in the West*, by James Alton James, is an able presentation of an interesting subject. *A Bibliography of Carver's Travels*, by John Thomas Lee, will be useful to students of this somewhat mendacious explorer. In the

Organization, Boundaries, and Names of Wisconsin Counties, Louise Phelps Kellogg has made a contribution to State history which will be of great value for reference purposes. *An Appreciation of James Rood Doolittle*, by Duane Mowry, and a number of other papers on various subjects of local history in Wisconsin complete the contents of the volume. Reprints have been made of all of these papers and contributions.

The somewhat belated volume containing the *Transactions of the Illinois State Historical Society* for the year 1908 has appeared. Among the papers read at the annual meeting in 1908 are: *Abraham Lincoln in 1854*, by Horace White; *Stephen A. Douglas*, by Adlai E. Stevenson; and *The Significance of the Piasa*, by Clara Kern Bayliss. Under the heading of *Contributions to State History* are four brief articles. Among the *Translations and Reprints* may be found a reprint of the pamphlet entitled *Earnest Invitation to the Inhabitants of Illinois by an Inhabitant of Kaskaskia*, translated and edited by Lydia Marie Brauer. *In Memoriam* is the heading given to a number of brief biographical sketches.

The *Proceedings of the New York State Historical Association* at the ninth and tenth annual meetings is a volume of over three hundred pages. There are a number of addresses dealing with different phases of the War of 1812, among which may be mentioned: *General Van Rensselaer and the Niagara Frontier*, by Jacques W. Redway; *Perry and his Victory*, by George L. Hawkins; *The Siege of Fort Erie*, by L. L. Babcock; *The Military Career and Character of Major-General Sir Isaac Brock*, by Ernest Cruikshank; and *The Causes and Results of the Failure of the American Campaigns on the Niagara Frontier in the Second War with England*, by Irvin W. Near. Other papers of interest are *New York's Obligations to Her History*, by Andrew S. Draper; and *The Function of State Historian of New York*, by Victor Hugo Paltsits.

The presidential address on the subject of *Imagination in History*, delivered at the meeting of the American Historical Association in December, 1909, by Albert Bushnell Hart, is printed in the January number of *The American Historical Review*. It is one of

the most interesting and satisfying discussions of the aims and methods of the historian which has appeared in many years. Clarence Perkins writes on *The Wealth of the Knights Templars in England and the Disposition of it After their Dissolution*; and Guy S. Ford discusses *Wöllner and the Prussian Religious Edict of 1788*. Annie Heloise Abel is the writer of a scholarly article on the subject of *The Indians in the Civil War*. There is also a continuation of *Papers Relating to Bourbon County, Georgia, 1785-1786*, contributed by Edmund C. Burnett.

Among the articles in the October number of the *Journal of the Illinois State Historical Society* are: a tribute to Alfred Orendorff, the late President of the Society; *Shickshack in Romance and in Real Life*, by J. F. Snyder; *A Curious Proposition in 1776*, by J. H. Burnham; *Reminiscences of a Tragedy in Pioneer Life*, by F. M. Woolard; *Extracts from Old Newspapers*, by Garland C. Broadhead; *Early Attempts to Form an Illinois State Historical Society*; and *Some Old Letters*, which include two letters from Senator George W. Jones of Iowa. In the January number, among other things, Richard V. Carpenter writes on *Margaret Fuller in Northern Illinois*; and J. F. Snyder tells of *An Illinois Burnt Offering*. Under the heading of *Important Purchases of Books by the Illinois State Historical Library*, there will be found a list of books on Mississippi Valley history, a knowledge of the location of which will be useful to the investigator. There is also a *List of the Editions of the Works of Louis Hennepin in the Illinois State Historical Library* which is of value; and *Some Reprints from Old Books and Periodicals* relating to the Illinois country.

ACTIVITIES

At the meeting of the Maryland Historical Society on November 8, 1909, Bernard C. Steiner read a paper on *Brantz Mayer*, one of the founders of the Society.

The annual meeting of the Board of Trustees of the Alabama State Department of Archives and History was held Tuesday, January 25. In his report the Director, Thomas M. Owen, told of the work during the past year. Perhaps the most conspicuous activity

has been the collection of the record of Alabama soldiers in the various wars of the United States.

At the monthly meeting of the Louisiana Historical Society held on February 16, Professor Franklin L. Riley read a paper on *The Mississippi River as a Political Factor in American History*.

The tenth annual meeting of The German-American Historical Society of Illinois was held at Chicago on February 12. The principal address was by Professor A. B. Faust, on the subject of *The German American in the Defense and Advance of the American Frontier*.

At a meeting of the Chicago Historical Society on Tuesday evening, January 18, 1910, Herman G. James delivered an address entitled *A Study in Illinois Constitutional History*; and there was an address on *Indian Diplomacy and the Opening of the Revolution in the West*, by James Alton James.

The heirs of Ebenezer Brigham, the first American settler in Dane County, Wisconsin, have donated to the State Historical Society of Wisconsin the site of an old blockhouse at Blue Mounds which figured prominently in the Black Hawk War. The Society expects to provide a suitable marker for the spot.

The Department of Historical Research in the Carnegie Institution of Washington now occupies enlarged quarters in the Bond Building. Among the activities projected for the coming year are the examination of the London archives for materials relating to the history of the United States since 1783, and a search through the Canadian archives for materials on United States history. Mr. Waldo G. Leland will return to Paris during the spring to complete his work in the archives there.

The officers for the year 1910 elected by the American Historical Association at the annual meeting in December are: President, Frederick J. Turner; First Vice President, William M. Sloane; Second Vice President, Theodore Roosevelt; Secretary, Waldo G. Leland; Secretary of the Council, Charles H. Haskins; Treasurer, Clarence W. Bowen; Curator, A. Howard Clark. Max Farrand,

Frank H. Hodder, Charles H. Hull, Evarts B. Greene, Franklin L. Riley, and Edwin Erle Sparks were chosen members of the Executive Committee in addition to the members ex-officiis. Clarence M. Burton was appointed Chairman of the Conference of State and Local Historical Societies.

The Illinois State Historical Library has recently acquired through purchase from a London book firm a number of valuable books bearing on the history of North America and especially of the Middle West. This accession includes many of the rare French works of the early period, as well as many scarce and valuable items in the English language. The Library board expects soon to publish the George Rogers Clark papers which are being edited and arranged by Professor James A. James.

A preliminary announcement of the program of the third annual meeting of the Mississippi Valley Historical Association, which will be held at Iowa City, May 26 and 27, has been issued. Besides a number of addresses and papers by men of wide reputation, there will be a Conference of Teachers of History, and a Conference of Mississippi Valley Historical Societies. The social side of the meetings will be well provided for in a number of receptions, luncheons, and dinners. The second volume of the *Proceedings* of the Association is now in press and will be distributed in May.

The Madison County (Iowa) Historical Society held its annual meeting on March 15. T. C. Gilpin delivered the first address, on the subject of *Early Courts and Litigation*. Blair Wolf followed with an original poem entitled *The Pioneer*. The next number was a paper on *Early Quaker Settlements in Madison County*, by D. B. Cook. *Landmarks that Should be Remembered* was the subject of a paper by W. W. Gentry. Curator Edgar R. Harlan was the last speaker on the program, and he especially emphasized the necessity of preserving historical documents and relics. The following officers were elected for the ensuing year: President, H. A. Mueller; Vice President, E. R. Zeller; Secretary, W. F. Craig; Treasurer, W. H. Lewis; Directors, Fred Beeler, William Brinson, W. W. Gentry, and W. S. Wilkinson. Mr. Mueller was chosen as delegate to the meeting of The State Historical Society of Iowa in May.

NEW COUNTY HISTORICAL SOCIETIES IN IOWA

At a meeting held at Jefferson late in October the first steps were taken toward the organization of a Greene County Historical Society. B. F. Osborn was chosen President; G. S. Toliver, Vice President; J. A. Henderson, Secretary; J. W. Huntington, Treasurer; and Mrs. Ida B. Head, Librarian. Committees on the drafting of a constitution and by-laws, and on membership were also appointed.

Late in December the Kossuth County Historical Society was organized by the adoption of a constitution and the election of officers. B. F. Reed was chosen President; M. Schenck, Vice President; Ed. Blackford, Secretary; C. F. Chubb, Treasurer; and Mrs. L. M. Horton, Curator. A Board of Trustees, three members of which retire each year, was also elected. Little more than an organization was effected at the first meeting, but it is expected that plans for the active work of the Society will be made at an early date. The headquarters of the Society will be at Algona.

A Floyd County Historical Society was organized at Charles City on February 12. A constitution and by-laws were drawn up and adopted, and signed by a number of charter members who it is hoped will form the nucleus for a very successful organization. The following are the officers elected: President, C. G. Patten; Vice President, S. C. Goddard; Secretary, Mrs. H. A. Stephens; Treasurer, Morton Wilbur; Curator, Miss Eva L. Fitch; Historian, W. H. Leonard. Judging from the number of historical articles which appear in the columns of the *Charles City Daily Press* there is an active interest in local history in Floyd County, which augurs well for the prosperity of the new Society.

THE STATE HISTORICAL SOCIETY OF IOWA

Dr. Louis Pelzer will give instruction in the Iowa State Teachers' College during the summer session of the current year.

A volume on *The Territorial Governors in the Old Northwest*, written by Dwight G. McCarty, is now in press and will be distributed in May.

The biography of *John Chambers*, the second Governor of the Territory of Iowa, written by Dr. John Carl Parish, has been distributed.

John Wilson Townsend, a member of the Society, read a paper on *Kentucky: Mother of Governors*, at the meeting of the Ohio Valley Historical Association at Frankfort in October, 1909.

Among the donations to the Society during the past quarter is a file of *The Iowa State Register* for over twenty years. These newspapers are the generous gift of Dr. G. D. Darnall of West Union, Iowa, who had them bound especially for the Society.

Mr. W. O. Hart, of the New Orleans Bar, a member of the Society, delivered an address on *The License Tax System in Louisiana* before the third International Conference on State and Local Taxation at Louisville, Kentucky, in September, 1909.

Two excellent addresses and a conference of local historical societies in Iowa have been arranged for the meeting of the Society which will be held on May 25, in connection with the meetings of the Mississippi Valley Historical Association. There will also be a dinner tendered by the members of the Society to their guests. It is hoped that members will make arrangements to attend these meetings.

The following persons have recently been elected to membership: Mrs. Julia Baldwin McKibbin, Iowa City, Iowa; Mr. A. H. Davison, Des Moines, Iowa; Mr. Chas. Baker, Iowa, City, Iowa; Mr. Geo. S. Barner, Webster City, Iowa; Mr. Charles S. Bradshaw, Des Moines, Iowa; Mr. F. C. Bush, Garner, Iowa; Mr. C. A. Carpenter, Columbus Junction, Iowa; Mr. Jay T. Colegrove, Cedar Rapids, Iowa; Mr. Wm. Dennis, Marion, Iowa; Mr. M. F. Edwards, Parkersburg, Iowa; Mr. John D. Glass, Mason City, Iowa; Mr. Remley J. Glass, Mason City, Iowa; Mr. Peter Kiene, Dubuque, Iowa; Professor John B. Knoepfler, Cedar Falls, Iowa; Mr. C. H. McNider, Mason City, Iowa; Mr. James Moorhead, Marion, Iowa; Dr. J. P. Mullin, Iowa City, Iowa; Mr. H. J. Nietert, Walker, Iowa; Mr. John M. Rider, Cedar Rapids, Iowa; Mr. Casper Schenck, Des Moines, Iowa; Mr. James H. Shields, Dubuque, Iowa; Mr. J. V.

Snyder, Delmar, Iowa; Mr. M. J. Tobin, Vinton, Iowa; Mr. J. F. Traer, Vinton, Iowa; Mr. Theodore A. Wanerus, Iowa City, Iowa; Mr. A. F. Allen, Blainstown, Iowa; Mr. J. S. Broeksmit, Cedar Rapids, Iowa; Mr. W. C. Brown, New York City, New York; Mr. H. H. Carter, Corydon, Iowa; Mr. Simon Casady, Des Moines, Iowa; Mr. W. T. Chantland, Fort Dodge, Iowa; Mrs. R. G. Clark, Webster City, Iowa; Dr. J. Fred Clarke, Fairfield, Iowa; Mr. Walter E. Coffin, Des Moines, Iowa; Professor C. P. Colgrove, Cedar Falls, Iowa; Mr. Elisha A. Crary, Grundy Center, Iowa; Mr. W. L. Eaton, Osage, Iowa; Mr. F. J. Eighmey, Waterloo, Iowa; Mr. Leonard Everett, Council Bluffs, Iowa; Mr. H. O. Field, Iowa City, Iowa; Mr. James Haynes, Cedar Falls, Iowa; Mr. Wm. Jackson, Bedford, Iowa; Mr. Frank H. Kincaid, Davenport, Iowa; Mr. John F. Lacey, Oskaloosa, Iowa; Mr. J. S. McKemey, Fairfield, Iowa; Mr. W. W. Marsh, Waterloo, Iowa; Mr. E. T. Meredith, Des Moines, Iowa; Mr. John Merkle, Bellevue, Iowa; Mr. W. W. Miller, Waterloo, Iowa; Mr. Joseph Newton, Cedar Rapids, Iowa; Mr. Geo. D. Perkins, Sioux City, Iowa; Mr. J. L. Powers, Cedar Rapids, Iowa; Mr. Thos. R. Rankin, Burlington, Iowa; Mr. Chas. A. Rawson, Des Moines, Iowa; Mr. C. C. Redfield, Harlan, Iowa; Mr. E. E. Richards, Cedar Rapids, Iowa; Mrs. J. J. Richardson, Davenport, Iowa; Mr. Theo. F. Sanxay, New York City, New York; Mr. J. L. Sawyers, Centerville, Iowa; Mr. C. W. Sutliff, Marion, Iowa; Mr. C. J. Van Vechten, Cedar Rapids, Iowa; Mr. Ralph Van Vechten, Chicago, Illinois; Mr. B. S. Walker, Des Moines, Iowa; Mr. Thomas Walpole, Storm Lake, Iowa; Dr. Frederick J. Will, Des Moines, Iowa; Mr. Carroll Wright, Des Moines, Iowa; Mr. Geo. G. Wright, Des Moines, Iowa.

NOTES AND COMMENT

Municipal Leagues, similar to the one in Iowa, have been inaugurated recently in Minnesota and Nebraska.

It is expected that Professor Frederick Starr, who is conducting anthropological researches in Japan, will return to America in June.

Professor Allen Johnson, formerly of Grinnell College and now of Bowdoin College, has accepted a chair of history at Yale University.

It is announced that a biography of Stephen A. Douglas, by Frank E. Stevens, author of *The Black Hawk War*, will be published during the summer.

Frederick J. Turner is the author of a text-book on the history of the United States, which has been published by Henry Holt and Company in a new series which has been inaugurated.

A collection of military papers of General Lew Wallace has been donated to the Indiana State Library, by Captain John I. Henderson, who was at one time a member of Wallace's staff.

It is expected that *Writings on American History, 1908*, the bibliography compiled by Grace Gardner Griffin, will be issued from the press of The Macmillan Company in the near future.

An International Congress of Archivists and Librarians will be held at Brussels August 28-31, 1910, immediately following the International Congress of Bibliography and Documentation.

The Iowa Association of Southern California held its annual picnic at Eastlake Park, Los Angeles, on February 22. Ninety-nine county headquarters were established and thousands of former Iowans gathered and recalled scenes and events in their life in the Hawkeye State.

At the last session of the General Assembly of Illinois an act was passed providing for the appointment of an Illinois Park Com-

mission. It is the duty of this Commission "To make an investigation of Starved Rock and its contiguous territory, to ascertain its adaptability for the purposes of a State park, and the value of the property; also to make, at their discretion, a comparative study of other State parks within Illinois, and the manner in which they are organized and maintained." This act is a distinct step in the right direction and its example should be followed by other States.

CONTRIBUTOR

JACOB VAN DER ZEE, Reference Assistant in the Library of
The State University of Iowa. (See THE IOWA JOURNAL OF
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THE LANGWORTHYS OF EARLY DUBUQUE AND THEIR CONTRIBUTIONS TO LOCAL HISTORY

INTRODUCTION

The history of the Langworthy family of Dubuque, Iowa, is illustrative of the migration movement to Illinois in the first quarter of the nineteenth century and also of the prominent part often taken by a single family in the settlement and development of a western town. The story as told by Lucius, Edward, and Solon — three of the Langworthy brothers — is presented in the documents given below. Of the older brother, James L. Langworthy, no original manuscripts have been found.

The father, Stephen Langworthy, a practicing physician, was living at Windsor, Vermont, at the opening of the nineteenth century. A few years later he moved to St. Lawrence County, New York, and thence, about 1815, to Erie County, Pennsylvania, where he settled on French Creek. In 1818, or thereabouts, he embarked with his family and a few household effects upon a journey down French Creek, Alleghany River, and the Ohio River until the mouth of the Muskingum was reached. At Belpre, a little town below Marietta, they made a short stay, and in the following spring resumed their journey. Leaving the Ohio River at Shawneetown, Illinois, they crossed the State in wagons and settled at Edwardsville. In this thriving young Illinois town, a few miles from St. Louis, a home was made. Doctor Langworthy crossed over to St. Louis to practice his profession.

But Edwardsville did not prove a favorable abiding place for the family. Mrs. Langworthy and a son, Stephen, died

of malarial fever, and the father moved the remaining eleven children northward and settled at Diamond Grove, a few miles west of what is now Jacksonville in Morgan County. He later married Miss Jane Moureing.

In 1824 the oldest son, James, left Diamond Grove for the lead mines in the vicinity of Galena. Together with Orrin Smith and others he opened the mines of Hardscrabble, near the present town of Hazel Green, Wisconsin. Here fortune favored their mining efforts. In 1827 came another exodus from Diamond Grove. Lucius and Edward and two sisters, Mary Ann and Maria, embarked at Wood's Woodyard (now Quincy), Illinois, and ascended the river to the mining country. Mary Ann married Orrin Smith. Lucius and Edward entered at once into mining operations.

It was not long before the miners east of the Mississippi began to covet the rich "Mines of Spain", which lay west of the river. These mines, once worked by Julien Dubuque, had for many years been neglected by the whites.

Crossing the river in the year 1788, Julien Dubuque, a French Canadian, had come with a few companions to the place which now bears his name. Having secured from the Indians permission to mine for lead, for twenty-two years he extracted ore from the Indian land and shipped it to St. Louis. In 1796 he obtained from Baron Carondelet, then Governor of the Spanish possessions in the Mississippi Valley, a grant to the land, and named his diggings the Mines of Spain. In 1810 Dubuque died. The Indians soon afterward drove out his companions, and the region, still rich with mineral wealth, lay unworked save for the crude efforts of Indian squaws.

The mines were now the property of the United States by virtue of the purchase of Louisiana. The Indians held the right of occupancy, and the whites were forbidden to make

any settlements. In 1829 James L. Langworthy is reported to have crossed the river and explored the region near the site of Dubuque and between the Maquoketa and Turkey rivers.

Early in the year 1830 James and Lucius Langworthy crossed the Mississippi and commenced mining upon the forbidden soil. The Indians had by this time abandoned to a certain extent the margin of the river because of molestation from the Sioux. Other miners followed the two Langworthy brothers, and soon there was gathered a group of miners sufficiently large to feel the necessity of a formal expression of rules to be observed in the new mining community. On the seventeenth of June they met beside a cottonwood log on the shore and prepared the following regulations — probably the first set of laws drawn up by whites within the limits of what is now Iowa:

Dubuque Mines, June 17, 1830.

We, a committee, having been chosen to draft certain rules and regulations, by which we, as miners, will be governed; and, having duly considered the subject, do unanimously agree that we will be governed by the regulations on the east side of the Mississippi River, with the following exceptions, to wit:

ARTICLE I.— That each and every man shall hold two hundred yards square of ground by working said ground one day in six.

ART. II.— We further agree, that there shall be chosen by the majority of the miners present, a person who shall hold this article, and who shall grant letters of arbitration, on application being made, and that said letter [of] arbitration shall be obligatory on the parties concerned so applying.

To the above, we the undersigned subscribe.

J. L. LANGWORTHY,
H. F. LANDER,
JAMES MCPHEETERS,
SAMUEL H. SCOLES,
E. M. URN.

Dr. Francis Jarret was appointed by the miners to hold the instrument and grant papers of arbitration. The miners, however, were not destined to realize for long the fruits of their appropriation. During the summer Zachary Taylor, then in command of the United States troops at Prairie du Chien, gave them warning and later sent a detachment to drive them from the land of the Indians.

In 1832 the Black Hawk War broke out and all four of the Langworthy brothers enlisted. James and Edward enlisted in the company of James Craig, while Lucius entered the spy company under Captain James Gentry. Both of these companies were attached to the command of Henry Dodge. Solon enlisted in a company of rangers, and was at Rock Island when news came of the end of the war.

Upon the close of hostilities James, Lucius, and Edward again crossed to the mines of Dubuque. By the treaty of peace, however, the Indians were not required to vacate the ceded lands until June 1, 1833. The United States authorities were determined to restrain the whites from occupying the new tract until that time. The troops, therefore, again compelled the miners to leave—many of whom camped with their lead on the island opposite Dubuque through the winter of 1832-1833.

Upon the expiration of the Indian term of occupancy the three Langworthy brothers and hundreds of other miners returned to their diggings. Solon joined them in 1834, and in the subsequent growth of the town of Dubuque no names appear with more frequency than those of the four brothers. They were indefatigable in the development of the town, prominent in its social and intellectual growth, leaders in its mercantile and banking business, and active in the securing of railway facilities. Lucius and Edward each represented the district in the Territorial legislature, and Ed-

ward was a member of the Constitutional Convention of 1844. The father, Doctor Stephen Langworthy, followed his sons to Dubuque and was for years an influential member of the community. In March of the year 1865 James Langworthy died; and in June of the same year Lucius followed him. Edward and Solon lived until the years 1893 and 1886 respectively.

Of the documents herewith published the first five are printed, probably for the first time, from original manuscripts. The last of the documents presented, containing the lectures of Lucius H. Langworthy before the Dubuque Literary and Scientific Institute, is reprinted from a very rare edition published, probably, in the year 1855.

It is impossible to ascertain with any accuracy the dates at which the manuscripts, aside from the lectures, were written. They were probably written at a later date than the lectures. Those by Lucius must, of course, antedate 1865. The difficulty and in some cases the impossibility of preserving the original spelling, capitalization, and punctuation has made it seem best to edit the manuscripts with considerable freedom in these respects. Aside from modifications of an editorial nature, however, the documents are printed as they were found and are presented as original material without an attempt on the part of the editor to purge them of error or reconcile discrepancies of statement.

Acknowledgments are due to Professor Benj. F. Shambaugh and Miss Caroline Langworthy at whose instance access was had to the manuscripts, and to Mrs. Ada L. Collier, Mrs. Frances L. Gibbs, and Mrs. Frances L. Poole (daughters respectively of Lucius, Edward, and Solon Langworthy) through whose kindness the manuscripts were loaned to The State Historical Society of Iowa.

JOHN CARL PARISH

[AUTOBIOGRAPHICAL SKETCH OF LUCIUS H. LANGWORTHY]¹

The author of this sketch was born in St. Lawrence County [New York], February 6th, 1807. Early in life his father removed to Jefferson County, New York, and subsequently to Erie County, Pennsylvania. At the age of ten years he emigrated to Ohio and remained at a point just below Marietta, opposite Blennerhassett's Island, called Belpre, where his instruction was continued in the rudiments of common school education. In 1819 his father removed the family to Illinois, landing at Shawnee Town in that spring, where they took wagons and were conveyed to Edwardsville in that State. The summer season proved most unhealthy and the mother and one brother died of the malarious diseases of that new and prolific clime. The next year, after enduring all the horrors of fever and ague, they removed to Diamond Grove near where Jacksonville now stands, and there remained until 1827. At that time the County of Morgan contained only twelve families. It was a wild but delightful land.

After some years when schools were first established the subject of our sketch attended the schools in the log cabins of that age during the winter, and in summer assisted in the farming operations of the times. In 1825 he attended the first term of the academy founded by Doctor Beecher at Jacksonville, Illinois, where he attracted the notice of the trustees of a neighboring district (Bluffdale, Green County, Illinois) and was employed to teach their district school. Here he remained until the spring of 1827, when, hearing

¹ This sketch was written by Lucius H. Langworthy some time between 1856 and 1865. The manuscript is in the possession of his daughter, Mrs. Ada L. Collier of Dubuque, Iowa.

of the great discovery of lead in the upper Mississippi lead mines, he proceeded to try his fortune in the distant fields of enterprise which were then laid open to the adventurous.

He arrived at Galena, May 24th, 1827, after a voyage of thirty days from Quincy, Illinois, in a pirogue. Embarking in mining with Edward, a younger brother, he soon had the good fortune to strike a large lead, since called the Drummond lode on Coon Branch. In the winter of 1827-8 he traveled through on horse back on the imperfect roads then existing to St. Louis, returning in the spring.

He carried on the mining business extensively at Mineral Point, New Diggings, and Platteville. In 1830, hearing of the vacation of Dubuque's mines by the Indians, he was the first to explore the then mysterious region upon which Dubuque in olden days had operated so successfully. One day when rambling along the Indian trail that led westward from where Dubuque now stands, he found a portion of a silver armlet which had once been worn by an Indian chief. He exclaimed at the time "this is my fortune in accordance with an old superstitious thought." That day he struck the old Langworthy lead which led to the first settlement at the mines of Dubuque. It has produced altogether about ten million pounds of lead ore. He was twice driven away from these Indian lands, before their purchase by the United States Government, by Zachary Taylor who sent Lieutenant Jefferson Davis and others to protect these lands.

These lands still belonged to the Indians and it was thought to be the duty of the government to protect them. Accordingly Jefferson Davis, a loyal soldier, a young man who had been educated by the common beneficence of the country was sent here with a detachment of United States troops, drove off the white settlers and left a garrison here

until the commencement of the Black Hawk War. In this operation Mr. Langworthy lost the proceeds of his great discovery.

In the Indian war that ensued Mr. Langworthy gave himself and all that he had to the service of his country. When he first heard of the murder of citizens of Blue Mounds by Black Hawk's band he took his three horses to Platteville and enlisted them as well as himself in the public service, went through all of the campaigns of the Black Hawk War, and endured in common with others the perils and hardships of an Indian war.

He led a company of spies (scouts) as Lieutenant in the Black Hawk War under the command of Captain James Gentry, and from Fort Winnebago took through to Mineral Point a company of invalids with broken down horses, mules, etc. Black Hawk's band had scattered while pursued by our army in August [July], 1832, and their trail was lost. But this party headed by Mr. Langworthy on their way to Mineral Point from Fort Winnebago encamped near where Madison city now stands. They made no fire but laid down on their arms with their horses closely tethered because the Indians were supposed to be somewhere in that vicinity. Early in the morning they began to hear horses nicker, dogs bark, etc., not far off. At daylight they crept silently up to the top of a ridge of land, whence they discovered about two miles away Black Hawk's entire band just mounting their horses on their retreat towards the Wisconsin. A courier was at once dispatched back to General Dodge with this intelligence. Our army overtook them at the crossing of the Wisconsin.² Had they known of this

² During the night of July 12th the horses of the troops commanded by Henry, Alexander, and Dodge at Fort Winnebago were stampeded across the camp, probably by Indians. It was perhaps some of the "invalids with broken

small party of invalids so near them on that night not one man would have escaped for they were over 2000 warriors, the flower of Black Hawk's army.

Upon the organization of Dubuque County (then a portion of Michigan) Mr. Langworthy was elected Sheriff when the county extended below Davenport, being one half of the territory.³ Subsequently he was elected to the legislature which was holding its session at Burlington when the act took effect which gave to Iowa a separate Territorial existence.

He had his residence in the northern part of the city, building the first frame dwelling house in the State, which now stands within the Tivoli gardens. He traveled to Cincinnati through the grand prairies of Illinois, being beset by robbers on one occasion. In the winter of 1835-6 he married; and in conjunction with Captain Orrin Smith and Captain R. S. Harris bought a steamboat called the Heroine, and settled down in the spring of that year upon all that portion of land in the Couler Valley which lies north of Eleventh Street in this city.

He contributed largely to different periodicals, especially on the subject of the great Pacific Railroad. One of his articles was read by Hon. A. C. Dodge in the Senate of the United States when urging the attention of Congress on the subject; and he attended as one of the two delegates from Iowa whom the people had selected to endeavor to obtain grants of land for this purpose (the other being General Van Antwerp) and labored in conjunction with Asa Whitney, John Plumbe, Jr., and others to induce Congress to make the necessary appropriations.

down horses'' from this stampede whom Mr. Langworthy was accompanying to Mineral Point. Henry and Dodge overtook the army of Black Hawk and severely routed it at the Battle of Wisconsin Heights on July 21st.

³ The writer probably here means half of the territory west of the Mississippi.

He very early abjured the party politics of the time and ran as an independent candidate for the State Senate against the terrible array of partizan prejudice that prevailed at that day. Himself and J. L. Langworthy, under a contract from the United States, constructed the military road leading from Dubuque to Iowa City.

He contributed largely to the literary and religious institutions of the city. In 1854 and 1855 he delivered before the Literary Institute of Dubuque sketches of the history of the place, together with some Indian traditions and scenes of border life connected with the early settlement of Julien Dubuque and his adventures from 1876 [1788] to 1810, the time of his death.⁴

He was one of the directors in the Miners' Bank. In 1840 he struck the famous Langworthy Cave which is a continuation of the Tom Kelly range, a lode which is unsurpassed by any other. It extended through the grounds now occupied by the Messrs. Langworthy and was a wonder of all the wonders of the mines. In 1855 he was a director in the Dubuque and Sioux City Railroad, and in 1856 a director and subsequently President of the Dubuque Western Railroad.

In all of the relations of life Mr. Langworthy has been genial, kind and affectionate. In him the community has always found a prompt and generous nature well fitted in most respects to adorn either the public or domestic circle. He is now in the enjoyment of all the comforts of life with a numerous offspring. He lives on the high bluffs of the city near the very spot which has witnessed so many⁵

⁴ These lectures were published and are reprinted in the present number of THE IOWA JOURNAL OF HISTORY AND POLITICS, pp. 366-422.

⁵ The manuscript abruptly ends here. It is probable that a final page existed but was lost.

[AUTOBIOGRAPHICAL SKETCH OF SOLON M. LANGWORTHY]⁶

Solon M. Langworthy, the subject of this notice, was born on the 29th of January, 1814, at Watertown in the State of New York. His father, Doctor Stephen Langworthy, was of Welch extraction and his mother, Betsy Massey, was descended from the English, both of whose ancestors fled from oppression and came to America in 1816⁷ where they determined to aid in the establishment of a government free from religious intoleration. One of my ancestors on my father's side was Josiah Whaley,⁸ who was one of the court that decreed the fate of James [Charles I] reigning king of Great Britain, and after the downfall of Cromwell was compelled to fly for safety as a price was placed on his capture. He secluded himself and lived for years in a small cabin on the New England coast. He refused to educate his children, believing that his own misfortunes were attributable to his profession and education. A brief notice of him and his life may be found in a history of the early settlement of New England. The early life of the writer was a hard and humble border life in the wild and sparsely settled county of Morgan in the State of Illinois near what is now the beautiful city of Jacksonville, and where in 1820 his father, Doctor Stephen Langworthy, made a claim on the west end of Diamond Grove. At that time there were

⁶ This sketch was written by Solon M. Langworthy, probably about 1880. The contents of this sketch in a shorter and much paraphrased form appear in the *History of Dubuque County, Iowa*, published in 1880 by the Western Historical Company, pp. 834-836. The manuscript is in the possession of Mrs. Frances L. Poole of Dubuque, Iowa.

⁷ This date is obviously wrong.

⁸ The names of these regicides were Edward Whalley and William Goffe, the latter being the son-in-law of the former.

not more than a dozen families in that county; and these were widely dispersed, each having chosen for itself some grove or point of timber skirting the Mauvaise Terre, Sandy, or some other stream taking its rise in the eastern and high rolling prairies and flowing westward to the Illinois River, the west boundary of the county. At this point, selected by brother James Lyon Langworthy in 1819, my father determined to make a permanent home for the family. There were then eleven in number—five boys, respectively named James L., Lucius H., Edward, Solon M., and Lucien, and six girls. When the crops were marketed in the fall and bills for clothing and groceries settled, but little was left as a reward for our year's labor; and yet all were cheerful and determined to persevere.

In the fall and winter of 1827 Eliza and Laura were both married, the former to William M. Clay — a Scotchman — and the latter to J. D. Williams, both of the State of Missouri. Eliza and her husband settled in Dardenne, and Laura and her husband in St. Charles, both in St. Charles County. In April 1828, having obtained my fathers consent, I left the paternal mansion and in company with one Horace McCartney started for the lead mines of Galena, Illinois; and as the country between the Illinois River and the Mines was uninhabited except at a few intermediate points and as the Indians held almost undisputed control we attached ourselves for protection to a company who were engaged in and at this time on their way to the mines with a drove of cattle for sale. We remained with them for several [days], and as our progress was so slow and our stock of provisions, which we carried on our horses, was so nearly exhausted we determined to leave the drovers and take the chances of Indians rather than allow our provisions to fail us where none could be obtained. About 9 o'clock one morn-

ing we marched forward and soon were out of sight of our drover companions who had witnessed our departure with regret and great fear for our safety. In the afternoon of the same day we came in sight of the timber skirting the banks of the Rock River, and before we arrived at the banks we saw in the distance a band of some 50 or 75 Indians on horseback making towards us as fast as their ponies could run. We had scarcely time to contemplate the dangers of our condition before they had surrounded us and bade us stop, which command was obeyed in silence. Then two Indian chiefs came forward and we informed them of our destination and were ordered to follow them. We were closely pursued by a band in our rear, and before sundown we were on the bank of the Rock River. Here the Indian chiefs made a thorough examination of our equipment and person. Taking off my hat and examining my head and face, they concluded that I was a papoose and then brought forward some of their boys about my size who in apparent good nature dared me to wrestle, and one after another retired mortified. Being very tired, I made it manifest to the chiefs who did not seem to sympathize fully with my condition. When another young Indian came forward to take hold of me I called a stop and made a sign to stand back and he hesitated whereupon a general derisive laugh broke the stillness. On came the youngster and I stopped him by a blow that sent him to the ground. "Wha!" said many at the same time and drew their knives; but when commanded by the chief to desist all was quiet.

Approaching the old chief I asked him for a canoe in which we could cross the river and swim our horses by its side, but we could not obtain one. I then told the chief that I would swim and he said "Big Water [———]⁹ Papoose."

⁹ This word is unintelligible.

Fixing up my horse as well as I could I told my comrade that we must cross the [river] or be robbed and perhaps murdered by the Indians before morning and that to swim our horses was the only chance. Mr. McCartney, my comrade, was undecided as between the dangers of remaining with the Indians for the night and attempting to swim the river which was quite high and rapid. But I was determined to try it and pointed out what seemed to me a sand bar near the center of the river which would afford us a resting point if we could reach it. Mounting my horse I rode into the river and swam for the sand bar where I halted and urged my comrade to come on. He mounted his horse, got off, and mounted a second time when the Indians crowded him off into the river and set up a rousing yell of laughter. But to my great joy on came my comrade, his pony swimming for dear life under a weight of some two hundred and fifty pounds.

On he came while I remained in waiting on the bar, and as he passed before me, not reaching the bar, I put in and was soon by his side and got hold of his pony halter strap and we were both soon in the willows lining the western edge of the river. In great haste we passed on in hope of getting away from the Red Skins. About 9:00 p. m. we stopped in a clump of wood, made a fire, and commenced to cook our bacon and dry our clothing. When about to lie down on our blankets for the night we saw through the darkness a chunk of fire moving, and knowing its purport I caught up a blazing branch and holding it aloft shouted *Hau Hau* and was answered in the true Indian *Hau Hau* and ten [?] stalwart savages were soon seated round our fire.

Being somewhat familiar with the Indian character we had provided ourselves with pipes and tobacco, and a piece

was offered to each and accepted by them. The chief apparently in command of the party withdrew his long pipe from under his blanket and his knife from his belt. The pipe was soon filled and after smoking a few whiffs was handed to me and by me again to the next Indian and by him to my comrade, passing all round in silence being a complete Treaty of Peace and an agreeable satisfaction to us. And this I believe was the first time I had ever smoked tobacco; and who can say I did wrong or unwisely. Our friends remained with us a few minutes, and before departing gave us a fine cut of fresh venison which about daylight the next morning was used for our breakfast. When we had moved on about one mile we saw the Sac and Fox village and passed undiscovered by it and made good time northward — for it was distance that lent enchantment to the scenes of Rock River. On the 3d day after leaving our good friends the drovers we arrived at Council Hill, Wisconsin [Illinois], now a rail road station of the Illinois Central, then a small mining town with blacksmith shop and two saloons and a small store. At this point my good comrade Horace McCartney and I parted company, he pursuing the straightforward road to B [———]¹⁰ and I going northwardly and about 4 o'clock of the 4th [?] day drove up to the Indian stockade called Buncombe. As the gate was closed I raised up in my stirrups and enquired of a large man within and was informed that this was indeed the home of my brother James — in whose embrace I was again happy.

The next day I was conducted by him to the cabin on Coon Branch where resided Lucius and Edward, and the four brothers were again together and great rejoicing was felt by each. On the morning of my arrival the good, kind-

¹⁰ This name is unintelligible.

hearted Orrin Smith was soon with us and conducted me from Buncombe by the way of Hard Scrabble showing me the great lead which had been discovered by him and James, now being worked by its owner, A. Phelps, with huge piles of mineral along its line from north to south. Passing on by the way of Hazel Green through the Menominee Diggings, crossing the Big Platte above Detandebartz's Furnace, we arrived at night fall on the upper branch of what is now called British Hollow where Orrin Smith and his brothers, Samuel and Sylvester, were residing. And here I met my beloved sisters Mary Ann and Maria, whom I had not seen since April, 1827, when they departed from the woodyard on the Mississippi,¹¹ leaving me alone on its wild shore. Visiting with my sisters a few days and examining the diggings of the Smiths and others in the British Hollow, I became fully imbued with the spirit of adventure, but was more in favor of the mining region about Coon Branch. Thither I returned and during the summer worked with a will, residing with L. H. and E. Langworthy. With more money in my possession than I had ever possessed before and seriously homesick, I determined to return to the Grove. Accordingly, about the 16th of November, 1828, accompanied by one James Meredith we set out and without accident or incident of note arrived at Jacksonville on the 21st instant where we separated, he going forward to the southern part of the State and I making haste homewards. About dark I was in safety under the paternal roof and a happy greeting was extended to me by the family. To me it was the most joyous occasion of my life. The neighborhood youngsters of my acquaintance came in full force to meet me and welcome me home; and to them I related the tale of my adventures in the far off country which seemed

¹¹ Wood's Woodyard, now Quincy, Illinois.

to astonish and surprise them — and for a time I was indeed the young Columbus hero of the Grove.

A good and bountiful harvest was realized from the farm this season and safely stored away for winter use. I was sent to school during the first part of the winter and until about the first of February, when my younger brother Lucien, a noble, large, blue-eyed boy then twelve years old, was taken sick and died, which was a great sorrow and bereavement, and to me in particular an irreparable loss as he was my mate and had taken my place on the farm during my absence. I was now the only one of my father's sons left at home, rendering it necessary to hire help which was done in the Spring of 1829. This continued until the Spring of 1832 when the farm was sold and my father removed the family — consisting of Lucretia, Harriett, and Solon M., who were the only remaining members of the original and first family of my father's now under his control. But there were two young children Stephen C. and Wm. A. Langworthy, respectively five and three years old, who were the fruit of Doctor Langworthy's second marriage. At St. Charles my father had many friends, having practised medicine there some years before; and here again he resumed his profession. The writer went forth again and worked on the farm of Major Farnsworth at Dardenne in St. Charles County and while thus employed constructed a horse hay rake and with it raked some fifty acres of hay for his employer in whose large barn some twenty-five hand rakes were carefully hung up but were rendered useless for the purpose for which they were made by the introduction of this the first horse rake ever invented or used. But neither the boy inventor nor his aged employer had any knowledge at the time of the existence of a patent office and no benefit was claimed for the invention.

In July of that year, volunteers were solicited to quell the Indian disturbances in the Upper Mississippi and on or about the 2d of August I became a member of Captain Nathan Boone's company of United States Mounted Rangers and enlisted in that service for one year conditioned for the payment of \$1.00 per day, furnishing my own horse. Early in August Captain Boone's company was ordered to Rock Island, Illinois, where we arrived in due time and my commander reported to Major General Winfield Scott, then in command of the army of the United States and garrisoned at Rock Island. Here we met other volunteer companies from Illinois encamped one mile below the garrison on the east bank of the Mississippi River, then a baleful, uninhabited prairie, now the city of Rock Island with fifteen to twenty thousand inhabitants.

Only two weeks had elapsed since our arrival here — during which time we were directed by the army officers of the garrison — when the alarm reached us that eight or ten men had died of cholera the previous night at the garrison above, and the following night seven or eight of our volunteer comrades fell victims to the terrible malady. The wildest alarm prevailed which was daily intensified by the terrible death roll in the garrison among the regulars and its rapid spread throughout the volunteer encampment and a great many desertions both from garrison and camp were continuously occurring. At length Captain Boone held a consultation with his company — and after a reconnoissance had been made and a new camp ground had been selected on the south bank of the Rock River about six miles from this fated encampment, application was made to General Scott to be allowed to remove our quarters to that point and refused by him. It was determined by us after further consultation to remove to the new encampment and take the

consequences of disobedience of orders. When evening came the word was silently promulgated to parade or assemble in front of our encampment at daylight and move to the place selected. In the meantime about 9 o'clock p. m. James Langworthy and Henry L. Massey arrived and called on me and informed me that they came from the army of General Henry Dodge as bearers of despatches which they had delivered to Major General Scott informing him of the capture of Black Hawk and his savage followers on the Mississippi River at the mouth of Bad Axe Creek after a terrible resistance by that savage chief. The information was communicated by the greatest general under General Scott to our volunteer companies in the morning when we had assembled in the prairie in accordance with our determination the evening before, and the glad tidings had so affected our good General Scott that we were allowed to proceed to the new quarters.

James Langworthy and Henry L. Massey after spending a few minutes with me in this infected camp made haste to return and left me in great fear and sorrow. I have often thought how foolish I was that I did not go with them and avoid a risk of life too imminent.

This change of encampment proved exceedingly favorable to our volunteers as very little sickness appeared after our removal — while at the garrison frightful loss of life daily occurred for several days thereafter. About the 1st of September, 1832, an arrangement was entered into between the chiefs of the tribes engaged in war against the United States to treat with the government for the sale of their lands west of the Mississippi. Accordingly about the 20th of September, 1832, a treaty was held between General Scott, General Dodge and other officers of the United States, and Black Hawk, Decorah, Hole in the Day, and Keokuk,

principal chiefs, assembled at Rock Island, and witnessed by the writer, by which the title of these Indian tribes was transferred to the United States.

Immediately after the Treaty of 1832, the volunteer forces enlisted in the Black Hawk War disbanded. Capt. Boone's Company, to which I belonged, being enlisted for a year in the United States Service, was now ordered to report to Col. Arbuckle, colonel commanding the post at Little Rock, Arkansas, and thitherward we took up our line of march in October passing down and crossing the Mississippi at Quincy, Illinois. We passed on through Hannibal, Palmyra, and westward through the State of Missouri and Territory of Arkansas and went into winter quarters erected by ourselves at the confluence of the Verdigris River with the main Arkansas at Fort Gibson. This country was owned by the Cherokee Indians many of whom had large farms well stocked with animals and negro slaves, with whom they associated at frolics and ball plays on terms of great equality, the slave and his merry mistress being frequently partners in the dance — the music being furnished by the negroes on the violin.

During the winter of 1832 and 1833 our company was ordered west to protect the Santa Fé traders, which expedition lasted until July, 1834, when we returned to Fort Gibson. Our time being out on the 2d of August, we were paid off and discharged. The writer, accompanied by Ezra Overhall, Wm. H. and Jesse Moureing, comrades in arms rejoicing in their liberty, returned together on horseback through the wilds of Arkansas and Missouri. Arrived at St. Charles in the month of October where all were safe at home. The [———]¹² or cholera had visited this devoted young city during the past fall and many had fallen by its ravages,

¹² This word is unintelligible.

among the rest my sister Laura's husband J. D. Williams, a thriving merchant of that place. The writer was employed to take charge of and settle up his business and remained during the winter for that purpose often frequenting St. Louis on business connected with the estate. In the spring of 1834 I embarked at St. Louis on the steamer Olive Branch, Capt. Littleton, bound for Galena and after a pleasant voyage of five days arrived at Galena. Visited my sister Maria then the wife of Daniel Smith Harris residing at the Portage on Fever River, where I remained a day or two, made the acquaintance of my new brother-in-law, and took passage with him to Dubuque on the steamer Jo Daviess, owned by the Harris brothers and being the first steamer built north of St. Louis up to that time.

Landed at Dubuque in good time, sought and found my brothers James, Lucius, and Edward, residing in comfortable cabins near the head of what is now and ever has been called Langworthy Hollow, where they had a smelting furnace and were largely interested in prosperous lead mines. The writer being acquainted with agricultural pursuits was employed by them and engaged in hauling rails from the timber to make a farm on the bottom between what is now 17th and 22d streets in the city of Dubuque. Around this land a substantial rail fence was soon completed. And with the same ox team (four yoke) with which the rails had been hauled I commenced and ploughed from forty to sixty acres of the same, which I believe to have been the first considerable number of acres broken up within the limits of what is now the State of Iowa with its millions of inhabitants. The same land is now covered with a dense population, churches, schools, houses, and other substantial buildings.

When the fall came and there was no further employment for me on the farm, Lucius H. and I made a thorough examination and bought a mineral lot on the Maquoketa and

together struck a considerable lead which was placed in my charge and on which I worked with moderate success during the winter of 1834 and 1835, living in a cabin with my employees and cooking for ourselves. In the summer of the same year, I bought a prospect of one Calvin Roberts and started what is now and ever has been called the Ewing Range from which I mined a large quantity of mineral.

In the spring of 1836, having worked out the mineral [———],¹³ I went to Galena and with Orrin Smith, who was now a resident there, engaged in steamboating. Together we made a trip to Hardscrabble and Coon Branch and bought a prospect on which I immediately commenced work, Smith returning to Galena. One day sufficed to take out the last small piece of mineral that could be found in this place — about 200 pounds[?] then worth \$15.00. It was old and cost \$400 and two days. Much disappointed I discharged my man, mounted my pony, determined to try again; and the following day I bought a sheet lead owned by four Jamison brothers from Missouri. I gave them a check on the Galena branch of the State Bank of Illinois for \$2500.00, took a quit claim deed of the lot on Coon Branch, all tools, ropes, cabin, and other fixtures and a pile of mineral supposed to contain fifty or sixty hundred weight[?]. I employed four miners and went to work with a will, anchoring my pony out to grass with a windlass rope.

I worked on this lead about four weeks when I sold the mineral raised for some \$5000.00, nearly double the amount paid for the lead, and returning to Galena divided the net profits with Orrin Smith who could not fully realize the truth of my successes until he had seen for himself the grand lead which I had developed. Living in my cabin here for a year I had taken out some \$22,000.00 in value from the mine and was induced to become a partner in building a steamer

¹³ This word is unintelligible.

to ply between Cincinnati and Galena. The larger portion of what I had earned in the mines was carried by me in a belt to Cincinnati in February, 1837, to pay for our half interest in the Brazil then on the ways and nearly complete. It was advertised to leave for St. Louis and Galena and Dubuque on the 1st of April. It was promptly off at the time crowded with passengers for the west, loaded down with freight — and among other things the building material for the erection of the first hotel in Davenport called the Le Claire House which I had contracted with Mr. Le Claire to furnish. This, the finest steamer that had ever descended the Mississippi above St. Louis, was a great success; but on her third or fourth trip from Cincinnati to Galena and Dubuque she sank in the Rapids and was almost a total loss and no insurance.

In the winter of 1838 I went to St. Louis on horseback. Passing through Green County I met my much respected cousin H. L. Massey who had left the mining camp in 1835. Together we went to St. Louis, bought a wagon and four horses and loaded it with clothing and blankets [———].¹⁴ Mr. Massey agreed to manage this expedition and proceed with his team through Missouri and Iowa selling as he went and if possible find a location some where in the mines for the business. On he went until he arrived at Snake Hollow, now Potosi, Wisconsin. The Snake Diggings had recently been opened and crowds of miners had assembled and the goods which Mr. Massey had were soon sold for money and the proceeds forwarded to me at Cincinnati and invested by me in such articles as were named in his memoranda. By the 16th of April he was again well supplied and business was good. A more commodious store was erected by us at this point and the shingles[?] used in constructing it were shipped from Cincinnati. Being now some twenty-four

¹⁴ This word is unintelligible.

years old and somewhat tired of adventure, I began to cast around for a helpmate. I made the acquaintance of Julia L. Patterson residing with her father at Peru, Iowa, one of the towns laid out by an act of Congress in 1836 and on one section of land presented by the government on which to build a city. But in my judgment Julia L. P. was at the time all there was in the county or town which was of interest to me and our friendship was unbroken. On April 20th, 1840, we were married by Reverend James Goodrich, (then a minister of Dubuque) at the residence of her father, Myron Patterson, in the town of Lafayette near Potosi. After boarding for one year with a private family in the town we removed to a small brick house now owned by Jesse Ramy[?] which we had erected for ourselves and in which we resided until 1848 when we removed to Dubuque, having with us Frances L. Langworthy and I. Solonia, respectively five and three years old, our first born having died six years before. At Dubuque we intended to be permanent residents, and the year before coming here we had purchased lands on the hill and commenced building. In June 1849 we moved into the house in which we have resided from that time to the present and in which have been added by birth to our family: Forrest W. Langworthy, January 3d, 1851; Lois Anna Langworthy, February 4th, 1854; Mary Massey Langworthy, January 19th, 1857; and Solon M. Langworthy, Jr., March 23, 1868. We have added by marriage to our family Horace Poole, a native of Peabody, Massachusetts, to Frances L. Langworthy, September 27, 1864; and George Stephens, a native of New York City, to I. Solonia Langworthy, June 10th, 1872.

My life has been spent in industrial pursuits embracing farming, mining, merchandising, banking, and dealing in real estate and in lumber. Moderate success has ever crowned my labours. I have sustained innumerable losses,

two or three of which left me almost dependent, and yet by dint of industry and economy have recovered without material aid from friends. I have never held an office in the gift of the people and was never a candidate — save for Delegate to frame a Constitution for the State of Wisconsin when I was defeated by Thomas P. Burnett, a prominent lawyer of Grant County, and the State and country are yet safe.

I was a soldier in the army of the United States in 1832, as before mentioned, and again a 1st Lieutenant and Quartermaster in the 27th Regiment of Iowa Volunteers, going into service in the fall of 1862 and sharing in common with other soldiers of the Union army the trials and hardships of the service. I was taken prisoner at the sacking of Holly Springs by the rebel cavalry of General Van Dorn in December, 1862, but was released on parole and sent to Benton Barracks at St. Louis to await exchange, which was soon brought about, when I returned to the duties of my office. I resigned in March 1864, and returned to my family in Dubuque, having sacrificed on the altar of my country years of uninterrupted business prosperity during which many of my business friends and acquaintances had made themselves rich.

The war of the rebellion brought on by disunion at the South involved the government in a debt so enormous that any other people or power would have repudiated it; but those who created the debt to save the Union pledged the loyal union Republican party that every dollar with the interest at agreed rates should be paid; and I take great pleasure in knowing the pledge has been complied with and that our credit today is unimpeached and unimpeachable in every part of the civilized world — save in that dark and benighted country which made war upon the truest and purest government vouchsafed to the human race.

[SKETCH OF EDWARD LANGWORTHY]¹⁵

Edward Langworthy, the subject of this memoir, was born in St. Lawrence County, New York, August 3, 1808, and was one of a family of twelve children. His father, Doctor Stephen Langworthy, was one of the early settlers of that county, and practiced his profession for many years in the town of Hopkinton and surrounding country, and in 1810 was one of the United States marshals for the northern district of New York. He was a volunteer surgeon in the battles of Plattsburgh and Sacketts Harbor in the War of 1812. He was also connected with the custom house department, and assisted in collecting the revenues in that district for some years. In 1815 he moved to Erie County, Pennsylvania, with his family; and after five years by various stages of emigration finally settled in Illinois, first at Edwardsville and afterwards in 1821 near the present town of Jacksonville, in Morgan County, engaging in medical practice while his family lived upon, and cultivated a farm at Diamond Grove. The country was then new and undeveloped, only about twelve families being resident in what was afterwards called Morgan County. Here for five years Edward, the subject of this sketch, laboured upon the farm, raising stock, wheat, corn, and the other ordinary products of the soil, and also cotton, an indispensable article in those days for home use. The cotton grew and matured in great perfection and was manufactured into wearing apparel by the members of the family before the ginny was invented

¹⁵ There is no name signed to this sketch and no definite indication as to the authorship. It may have been written by Edward Langworthy himself or by his brother Lucius. The manuscript is in the possession of Mrs. Frances L. Gibbs of Dubuque, Iowa, daughter of Edward Langworthy.

or power looms brought into requisition. Every farmer in the early settlement of Illinois cultivated a field of cotton for home use. In fact it was a staple, one of the requirements of the day. It was of excellent quality and product. But the increase of manufactories in the East and the increased facilities for transportation by means of steamers on the Ohio and the Mississippi rivers so reduced the price of cotton goods that its raising and home manufacture were no longer required and the farm operations were restricted to raising other articles of produce. At this time, and for many years previous, the whole business of the country was done by barter, changing one thing for an other. Not a dollar was in circulation. But there were quarters, bits and picayunes. A quarter was one-fourth of a silver dollar cut into equal parts but the skillful and designing often made five pieces. A bit was one-eighth of a dollar and a picayune in like manner one-fourth of a quarter cut with a chisel from the center to the circumference. These are some of the difficulties which the settlers in the new countries had to encounter. In 1827 Edward L. emigrated to the lead mines of Galena and engaged in mining. But the Winnebago War breaking out he was impelled like many others to volunteer in the United States service, and he marched in various expeditions against the Indians.

In 1832 he was all the summer in the different campaigns sent against Black Hawk and his band, until at the close of that war, with his brothers and some three hundred other miners, he crossed the Mississippi and commenced mining among the old diggings of Julien Dubuque. He also assisted in erecting furnaces for smelting the ore making a large amount of lead and built a good log house in the present limits of the city of Dubuque in the fall of 1832 — which is believed to be the first white man's dwelling in the State

of Iowa. During the following winter the United States soldiers took possession of the dwelling named as head quarters and the miners were forced to scatter and leave to the destruction of a small army all they had acquired in the way of prospects. But the following spring they were permitted to return and enjoy their roofless houses and repair their partially destroyed establishments.

From that time to the present Mr. L. has been a resident of Dubuque enjoying the confidence of the people who have honored him by frequent elections to local offices. He was twice elected to the Territorial legislature,¹⁶ and served to the satisfaction of his fellow citizens who afterwards made him a member of the State Constitutional Convention.¹⁷ In this convention he took an active part in framing the Constitution on such principles as to insure the general welfare. After this he steadily refused to fill other stations to which the people desired to call him, but bent his whole energies to building up the town of Dubuque and for this purpose engaged in all the railroad enterprises projected for this object, and is still aiding these various works.

In the winter of 1837-8 he went as a delegate to Madison, Wisconsin Territory, to the Railroad Convention holden at that early day to take into consideration a connection of Lake Michigan with the Mississippi River. Previously he published a number of articles in the newspapers of the country urging the construction of a Pacific Railway, although this was before the era of steam cars on railroads in the West. It is a little singular that Mr. Langworthy should have published as early as 1836 some sketches of fancy which probably gave prominence to Iowa as a suitable name for the future State which he has lived to see

¹⁶ In 1839 and in 1840.

¹⁷ This was the Convention of 1844.

grow up from a trackless wild.¹⁸ His present residence may be seen by the traveler on the broad Mississippi, high up on the romantic bluffs which environ the beautiful city of Dubuque and which he has also seen when no white man's dwelling adorned the landscape and which has since been partly embellished by his own lavish expenditures.

¹⁸ The writer probably here refers to an article published in the *Dubuque Visitor* and quoted by Lucius H. Langworthy in his first lecture before the Dubuque Literary and Scientific Institute, reprinted in this number. See p. 394.

[AUTOBIOGRAPHICAL SKETCH OF EDWARD LANGWORTHY]¹⁹

The early history and incidents of new countries attract the attention of older societies and partly for this reason, but chiefly for the facts themselves and their perpetuation, has this association called upon some of its members to put in writing for preservation in its archives some of the leading features of our early history so far as the same came under their own eyes.

In doing this much that is entirely personal must form a prominent feature of each communication; and in order to forestall any charge of egotism on this ground I will recall to your minds the fact that anything written in the first person is liable to such a charge and there seems to be no other or better way of complying with your request.

Of myself I may be permitted to say that I was born on August 3d, 1808, in St. Lawrence County, New York. My parents and ancestors were natives of New England and were of English origin. True to the migratory spirit of the Yankee nation my father was one of the early settlers of St. Lawrence County, New York, of ——— County, Ohio,²⁰ Madison County, Illinois, and of Morgan County, Illinois, where in the spring of 1827 the news of the valuable lead mines of Galena reached our prairie home near the present flourishing town of Jacksonville. In order to secure our full share of the wealth of those mines my brother Lucius and myself left a home and a farm, on which we had sup-

¹⁹ This sketch was written by Edward Langworthy, at a date somewhere between 1871 and 1893. The manuscript is in the possession of his daughter, Mrs. Frances L. Gibbs of Dubuque, Iowa.

²⁰ It may be that the writer is thinking of the few months spent at Belpre, Ohio, in the course of the migration to Illinois.

ported a large family for four years and could then leave in comfortable circumstances, determined to seek our fortunes in the far off lead mines of Galena. Accordingly, on the 24th day of May, 1827, we left in a lumber wagon for Quincy on the river and there took a steamer bound for the land of lead. A forty mile voyage to the rapids ended steam travel for that trip, as the lower rapids could not be crossed by steamers. After a few days stay at old Fort Edwards (Warsaw), nearly opposite Keokuk, we, in company with Moses Meeker, John Hough, John Potts, Barney Gray, Major Downey of the U. S. army, and a French boatman whose name I forget, procured a pirogue or large skiff and for the next ten days literally worked our passage up as far as Rock Island, rowing, poling, cordelling, and bushwhacking along in the broiling sun of June.

Here let me mention some incidents which occurred on that trip. First, in the hurry and bustle of landing from the steamer we left on board a part of our baggage consisting of our bed and most of our clothing, among which and the most regretted by us was a full suit of buckskin for each of us for mining suits.

At Warsaw, when about to start, Mr. Hough who was always on the lookout for the good things of life came along looking proud and happy, having procured a large uncovered demijohn filled with the best old brandy. This he slyly put under the caboose at the stern of the boat. But alas, a treacherous skillet safely stowed away there thrust its iron handle through the bottle and all the fourth-proof was lost in the bottom of the boat and the pride and glory of our Mr. Hough departed or oozed out with the brandy.

Our gentlemen passengers provided themselves with a comfortable shade by the use of our sail cloth spread over poles, and in this way managed to keep cool while we who

performed the labour at pole and cordelle were scorched by the burning sun. One day there sprang up a lively breeze right astern and our laboring party desired to try to sail; but no, our captain could not think of losing his shade and we had to submit. But the spirit of comfort was soon compelled to seek shelter from the mutiny of the crew in a graceful backing down after the boat was landed and a part of the crew brought a mast from the island and set it up and converted the tent into a first class sail. We landed at Rock Island, having sailed in a few hours as far as we had run in the two previous days. At Rock Island we remained three days waiting for a keel boat which was fitting out for the remainder of the voyage; and while there we visited numerous camps of Winnebago Indians, the first we had seen. They were a squalid dirty looking set and in no way came up to my ideal of *Poor Lo*.

One exception I should make — a beautiful young squaw of sixteen summers with whom I fell in love at first sight and for whose sake I could have turned Indian or Heathen or anything else. But the boat was ready and we must leave and *all aboard* was the word. What a delightful trip! This was a fine keel boat, well manned by an experienced crew, while a splendid breeze filled the sail. We walked the water like a thing of life and the merry song of the boatmen enlivened the scene. We landed in Galena, then the largest town north of St. Louis and west of the lakes. It consisted of six stores, a smelting furnace, a United States lead agency, and perhaps forty or fifty dwelling houses on both sides of the river — not the Mississippi but simply Fever River, since better known as Houghton's Bay.

We commenced mining on Fever River where we lived with our brother James who had been in the country two years and lived and kept a store in Buncombe. In the sum-

mer we bought a small sheet lead near Council Hill on a lot joining Capt. H. H. Gear's big lead. This sheet we worked for several months raising about \$100 worth of mineral per month and living in a cabin of our own construction.

I will try to describe this cabin. It was built of mixed material and put up in the composite order of architecture. It was on a hill side. The upper side was a wall of loose stone four feet high. The opposite side was of posts three feet apart and the spaces filled with brush. One end was about the same style, the other end open for a door, and the whole was covered with brush and a few slabs made with a whip saw. We lived in this house till fall doing our own cooking and working our hard rocky sheet during the day and sleeping under our brush roof at night, three fourths of which were rainy and cold. In the morning we used to get out of our wet bed, build a fire out of wet wood and cook breakfast and go to work. This year we had forty-five rainy days in July and August.

This was the year of the Winnebago War and we spent a part of our time in our military duties standing guard at the fort or patrolling the country in search of Indians, but as none ever came within twenty miles of us it proved not to be a very dangerous or destructive war, but still it interfered very much with business. The whole of the lead mines at that time probably contained five thousand inhabitants, about two hundred of whom were females. Very many miners left the country on the first rumour of hostilities and their places were not filled during the year.

My mining career has been too much diversified to enter into full particulars, having worked with more or less success at Hardscrabble, Coon Branch, East Fork, Menominee, Mineral Point, and Platteville. In one diggings near Min-

eral Point we raised about sixty thousand pounds of ore out of one chunk which lay in a crevice about fifteen feet below the surface and was thirty-six feet long and two feet in diameter at the largest place and about the shape of a large log whittled off at both ends. It was considered quite a curiosity there. Mineral at that time was sold for five dollars per thousand and as a consequence most of the miners were very poor and many destitute. Add to this the great scarcity of provisions, amounting to almost a famine, and we have sufficient cause for the scattering of the miners. Most of them went to Illinois and Missouri, where food at least was abundant, and of all kinds. Business was at a stand still. I have but few pleasing memories of these years and shall therefore pass them over as briefly as possible. Having divided our own stock of flour, meat, potatoes and groceries so many times among the needy that a six months stock was in two months reduced to one days supply, I left for Galena and forwarded back supplies as far as my money would go and then left for the Sucker State. In the spring of 1831 I returned with a drove of hogs which I took to the Platt River woods where they flourished and increased rapidly. Many of them ran wild and were abundant only a few years ago.

From that time we were mining and farming near Platteville and doing pretty well until the summer of 1832, when the Black Hawk War interrupted our work, as every man had to turn out, join some company, and go hunting after Indians. Lucius and I joined different companies, he that of Captain Gentry under Colonel Dodge and I enlisted in the company of Captain Craig under Colonel Stephenson. We put into the service five horses; and some of them did better fighting than I did, for only two of them came out of the war alive, the best one having been killed at the

Battle of Bad Axe at the mouth of Black River on the Mississippi River. I had been mining and hunting Indians alternately all summer, but fortunately never found any Indians and unfortunately found no mineral.

When this country was first inhabited it was exclusively by miners and for mining purposes and no other. No one thought of farming or manufacturing or even building towns or permanent dwellings. All alike came to make their fortunes, and leave for their old homes in the civilised world. None supposed that corn, wheat, or other valuable grains would or could be raised in this cold country. At first small gardens were made — a few hills of potatoes or cabbage planted with but little hope of any valuable results — but the fall came and brought very fine crops. Then a bold miner — recollecting the luxury of green corn — determined to try the experiment and actually planted some corn in his garden. It proved a success and some of it fully matured in the fall. Thus slowly and gradually grew the knowledge that the country was adapted to agricultural purposes and might some day produce enough to supply the miners — but who then would have predicted that in a few years corn, wheat and oats, and beef and pork would become the chief articles of export from the mines. Such is the history of the thoughts and opinions of the early miners; such the slow growth of knowledge and intelligence; and such the slow process of its development, showing that a whole people wholly absorbed in one channel of business and thought are slow to comprehend or decide upon all their surroundings. Time only can fully develop all the resources of a country or educate a people to a complete and comprehensive knowledge of its capacities.

But the business of mining has annually decreased, while farming has as steadily increased until it has become the

chief wealth of the mining region and at this time takes all the natural and artificial means that wealth and enterprise have brought into being to transport it to the marts of the world where most wanted. Steamers and cars are all filled to their utmost capacity to carry off the surplus of this farming country where our far seeing miners supposed nothing but lead would ever be produced.

Of my political career little can be said but I will merely schedule the different places filled for longer or shorter periods:— County Commissioner in 1836. Member of the Town Council, 1836 and 1837, a Representative in the Territorial Legislature in 1839-40 and 1840-41. Member of the Constitutional Convention in 1847 or '48 [1844]. In 1838 and 1839 as one of three School Trustees was engaged in organizing our district schools and built two school houses on or near the sites of the present First and Third ward school houses. These were of brick, one story high, sixteen by thirty-two feet, and were about sufficient for the town's children at that time. Schools were kept in these houses for several years but could not be called free, for the school money was not enough for that. Therefore a tax of fifty cents per quarter was imposed on all children attending to help along. From this small beginning has grown up our present flourishing public schools, and I look back on our trials and difficulties in working up that little beginning of schools for Dubuque with more pride than any other act of my life as it took more time and study and advance of personal means than any other. H. A. Wiltse, Judge Borts, and myself spent two or three years in getting these little schools under way.

The only battle in which I took a part was one fought in the Platt timber in Grant County, Wisconsin. Word came to headquarters that the Indians were prowling in those

woods and a part of two companies was detached to look after them, one Company of Illinois Volunteers and one of miners, both under Captain Craig of Illinois. Our march was in regular cavalry style with a spy company in advance and on the flanks, and while entering the woods full of all kinds of undergrowths of plums, crab-apples, and briers, the report of a volley of rifles was heard immediately in our front. The word charge was given and sounded loud and long from our one-armed bugler. The Illinois part of our Company cut loose their baggage and charged at the thicket. But it would be saying too much to infer that they charged into it, for they were caught by brambles and briers and thorns and further progress completely stopped, while at the same time our miners charged to the thicket, deliberately dismounted, leaving five horses in charge of one man, and worked their way to the front where we found our spies crowded around the foot of a tree from which at the first volley had fallen a young black bear. The curses of the captain and arrest of the whole spy company ended this bloody battle.

I have barely mentioned our Indian wars of which we have had two. The Winnebago War of 1827 was a small affair but sufficient to prevent most of the miners from work, and cause them to build forts, block-houses, and stockades — in one of which I passed a part of that summer.

But the Black Hawk War of 1832 was of a different order. The Indians became aggressive and murdered many men and families in different localities causing much fear and caution. The call to arms was responded to by all the miners, who were formed into companies and regiments and placed under the command of experienced officers while all the west responded to the call for volunteers and an army was raised which after many ineffectual campaigns

finally conquered a peace at the Battle of Bad Axe on the Mississippi River near the mouth of Black River.

Of the early incidents of the first settlements much has been said and written and many stories are told having very little foundation in fact if any; but some scenes were witnessed and some feats performed that may be worth a place in our annals. It is surprising how some little things sometimes have a bearing on larger ones. When in 1836 the United States Surveyor came to survey and lay off Dubuque there was standing a row of log houses on the east side of Main street between Second and Third Streets which measured sixty-four feet in front and directly opposite was a small house just sixty-four feet distant and it is believed that these distances decided the width of streets and lots for the whole of the old part of the town. There was also a slough running from Eagle Point to the Lorimier Hollow brooking along, which bounded the east line of the town from South Avenue to 12th Street and was made and declared the public landing for Dubuque. The islands in front of the city were very heavily timbered with elm, maple and ash and skirted on the banks of all the sloughs with an immense growth of willow. These islands for a long time furnished nearly all the fire wood for the city; and as late as 1839 and 1840 I hauled from them about one hundred cords of elm wood for home use. In the winter of 1829 and 1830 when on an exploring expedition to these mines I found several hundred Indians encamped on these islands.

This fact recalls to my mind that trip. On the last day of January, 1830, four of us left our cabin near Buncombe for the purpose of examining the supposed lead mines west of the Mississippi River. It was a warm dry day, for the season had been so far of that character. No snow, no rain, but dry and sunshiny. We came to the top of the bluff above

Dunleith, but behold the river was open and our further advance stopped. After consultation we resumed our walk up the river and among the islands of Maquoketa, and opposite we found ice over which we crossed, one place only impeding our way. Between the islands there was an open piece of water about twelve feet wide and this we bridged with willow poles. About this time, too, it commenced snowing and to insure our road back we cut holes in the ice and planted a line of poles at short intervals across the river, for our return land marks. Night overtook us at the head of the Zollicoffer Lake where we camped making a huge fire from the dry logs found there. But to start a fire we scraped the wood of a green hickory limb in a fuzz, rubbed it full of powder and flashed the powder from our rifle pan (flint locks) into it. Unfortunately in this case my rifle went off and echoed over the hills and river. But we ate our supper and lay down with a blanket under and one over each two of us. One couple lay with feet to the fire. But we lay down fifteen feet from it. About twelve o'clock we were aroused by our other couple who had been standing around the fire, the snow melting on their blankets as it fell till they looked like drowned rats. We roused up to find ourselves sweating copiously under our blanket and fully a foot of snow. They had roused us because they heard some strange noises near us, and there was at intervals a little snapping like the breaking of a dry twig. We listened and scouted around but nothing was to be seen, although it was now light with stars and snow. In the morning, however, we found moccasin tracks not one hundred feet off where Mr. Redskin had mounted a log and quietly taken a survey of us and our camp. Afterwards we found several hundred of them camped on the Dubuque Island near Eagle Point. They were not friendly and told us to *puchachee* (clear out), and as the object for which we

came was defeated by the fall of snow, we took their advice and left for home. Of all the cold days I ever have experienced those first two days of February, 1830, were the coldest. As an example one of our men broke into a spring branch on Menominee and before he could walk one hundred rods his pants and boots were frozen so stiff as to stop him there. But by cutting open pants and boot and putting on a dry sock he managed to get half a mile further to a house without freezing.

In the fall of 1832 about three hundred miners crossed the river and commenced prospecting among the old diggings formerly worked by the Spanish miners under Julien Dubuque. Some had prospects found by them in 1830. Among these were myself and brothers.

A lead struck by Lucius at that time and worked by the Indians led on by white men, all the time until the Indian outbreak in 1832, was again opened by us and worked continuously till 1836. This was one of the finest lodes found in the country and yielded in all its length many million pounds of mineral divided by four or five companies. During the fall of 1832 we took from it all the mineral we could smelt in two log furnaces, and during the years 1833 and 1834 not less than twenty-five men worked on it continually raising large quantities of ore. In one place we had a sheet two feet thick at the depth of forty feet in clay, which was so solid as to require splitting in the middle before it could be broken enough to handle or hoist up on the rope, and many places on the range were equally rich. This lode was just east of the level that supplies the city with such abundance of pure water, and was worked in some places to the depth of over one hundred feet and one shaft one hundred and thirty feet to caves of white sand rock. In 1834 and 1835 we took up the land in the Couler Valey (now from 18th Street to the end of the horse railroad) for a farm

and ploughed and fenced a part of it. Our cabin was where Heeb's Brewery now is and was built in June, 1833, and occupied by our miners. In 1835 and 1836 we added to the farm on the north to the point at the late John King's house and by purchase on the south from 18th to 12th Streets and fenced it all in with a rail fence and built a good frame house which still occupies the back ground in the Tivoli Garden. It was built by contract and when fully enclosed was totally demolished by a tornado and then rebuilt in a more substantial manner. These were stirring years for us. We made a large farm, bought and ran a steam boat, raised fruit, made lead, bought and shipped lead all summer. Lucius and myself both married during the year 1835, therefore we date our permanent settlement from that year and from that time we became a part of Dubuque in its prosperity and its reverses, ever taking our share in its interests.

Much has been said and written of the morals of highly educated and enlightened communities. My experience proves that nowhere has ever such a state of society existed for honesty, integrity, and high toned generosity as was found among the miners in the early days of mining in this country. No need here for locks to keep out burglars. We had none. No fear of being injured by others. It was never done. No one was left to suffer from cold or hunger. All the cabins stood open to receive the weary, the wardrobe open to those needing clothing, and the table ever full for all that were hungry. While tools, provisions, and clothing, were always free to all the needy, and piles of valuable mineral were at all the diggings unguarded and exposed, cases of theft or misappropriation were unknown. And if a crime was committed, retribution and punishment followed, dealt by the hands of justice without law, but systematically and in accordance with the usages of older societies.

[SKETCHES OF THE EARLY SETTLEMENT OF THE WEST BY
LUCIUS H. LANGWORTHY]²¹

To treat of this first subject, the early settlement of the west, would require a volume, containing incidents of deep interest, minute detail, and great historical research. But in this sketch it is proposed to relate only such scenes of frontier life as have come under my own observation and have been dimly retained in memory.

More than forty years ago an emigrant family placed their little effects in a flat-boat or broad-horn, as this kind of craft has sometimes been called, and availing themselves of a rise in the waters of French Creek, a small stream in the northwest corner of Pennsylvania, floated gently down the current.

Passing Meadsville they soon enter the Alleghany, and arriving at Pittsburg after a short delay they again dip their long boat oars in the placid waters of the famed Ohio. They glided down this beautiful stream amidst verdant banks lined with flourishing villages and newly opened farms, between islands which rise from the bosom of the stream and mid scenes of natural magnificence where were enacted not many years before some of the most tragical incidents of the Indian wars.

It was in the early spring. The year bloomed fresh amidst the unsparing view of verdant banks and island groves which were mirrored in the bright waters as the voyagers pursued their winding way in a life journey to found new homes in the luxuriant far West.

²¹ This sketch must have been written about 1860. The manuscript is in the possession of Mrs. Ada L. Collier of Dubuque, Iowa.

They had heard of the beauty and fertility of this region long before it lured them away from their old granite hills in the East. Now they beheld in all their pristine freshness and beauty the actual reality.

Travelers returning from this land of wonders had recounted the glories of the prairie land in strains of glowing eloquence as the Egypt of America and the flower of the world. The old song of hunt the buffalo and settle on the banks of the pleasant Ohio had been sung in their ears with all its bewitching melody, while wildest romance lent its enchantment to the distant scene. Now is unfolded to their view the actual landscape smiling with verdure and redolent with hopes.

Gliding down the gentle stream the travelers pause awhile at that island home of Blennerhassett then lying in ruin and decay which once was the home of elegant hospitality perchance of dark intrigue. Here Burr and his confederates first uttered their disunion sentiments and the place looked indeed as if it were cursed with a curse.

They glide along by Cincinnati, the Queen City, by Louisville, and other rising cities, till finally they moor their rude craft by the shore of the stream at Shawnee Town, about one hundred miles above its junction with the Mississippi. Here they change their effects into wagons and commence a journey by land into the interior of Illinois.

From Shawnee Town to Edwardsville the distance is about one hundred and thirty miles. This journey accomplished, the travelers rest from the fatigues of the way in the hospitable log cabin of the squatter sovereign. Edwardsville, as all know, at that time was a small inland town, the seat of justice of Madison County, lying north-eastwardly of St. Louis about twenty-five miles.

The spring time brought on the ox teams and horses to

the plough turning over the rich green sward of the prairie to be planted with Indian corn and other edibles. The crops grew with great luxuriance and the harvest proved abundant. At this time no wheat was sown and for many years after it existed as an article of food only in the memory of eastern emigrants those from southern States generally preferring corn dodgers. Indeed, a wheat cake would have been to some a rarity more choice than the richest pastry of the present day.

The population was mostly from Tennessee, Kentucky, or North Carolina, with a few adventurers from down east mingled among them. Corn dodgers, Indian corn, bread, hominy or hulled corn, with wild venison, turkeys, hogs, coons, opossums, squirrels, prairie chickens, etc., composed the living. Mills for the manufacture of grain into flour were not to be found. It is true that after a while when settlements thickened some horse-mills were erected in different parts of the country. They consisted merely of an enclosure of logs with a great wheel in the center, around which a large leather rope called a whang was placed which was also attached to a smaller wheel, the gudgeon of which turned the mill stones and ground the corn, the motive power being horses. Customers took their own teams and wagons with shelled corn and went often to the horse mill ten, twenty, and even thirty miles distant — waiting sometimes one, two, or three days for their turn to grind, living in the mean time on parched corn and sleeping out in their wagons or around a heap of burning logs. At this time there was no such thing as a money currency. The exchanges of the country were made chiefly by produce and all business conducted by barter, changing one thing for another. Corn, coon skins, and bees-wax were the mediums of domestic exchange. The standard price of corn (six and

a quarter cents) seemed to govern. A gingham handkerchief costing now about ten cents would then sell at twenty-five cents, four bushels of corn or two barrels[?] in the ear. A yard of domestic worth at present ten cents, four bushels, while the article at present prices would purchase four handkerchiefs or four yards of this cloth of best quality. A cow was worth six dollars or ninety-six bushels; a horse, twenty-five dollars or three hundred and sixty-two bushels; a hog, two hundred pounds in weight, three dollars or fifty bushels, and so with other articles of produce. A coon skin, the best measure of value, stood at twenty-five cents; and when a man walked into a store with a few rolled up under his arm it was not uncommon to hear him ask the price of goods and say in a confident manner "I want them cheap; you see I've got the coonskins" and this saying has passed into a proverb — a man of ready pay.

During all this time there was no money of any description. Talk of scarcity now a days! Then the only change aside from barter consisted of bits and picayunes — the former a piece of the eighth part of a Spanish milled dollar, cut with a chisel into eight equal parts when the operation was fairly and honestly done, but the skillful and designing often made nine bits and even ten out of one dollar piece. The picayune in like manner was a Spanish quarter cut into four equal parts, hence the origin of these two terms bits and picayunes.

Some curious facts may be here presented regarding these early settlers. They raised their own tobacco, indigo, and cotton which had supplied their main clothing. Generally a piece of ground, three or four acres of cotton, was planted somewhere in the corn field. It is a hardy plant and when cultivated well matures in that climate and grows in great perfection. The seeds are plenteous, the plant it-

self strong and vigorous. It will grow well in most of the western states, and like the hemp and flax produce better growth and finer fiber than it will on poorer lands even under sunnier skies.

In the fall it assumed a ripened form branching out like little trees and when the season for opening the bolls came a field would look like brushwood covered with the early snows. Then each family engaged in picking out the cotton from the earlier bolls; while yet the later ones, those growing lower on the branches, were not matured. At evening the seeds were taken out by hand and after a time it was ready for the card and the spinning wheel. Then one more adroit and skilled than the others made up the web on the rude loom which stood at that day as an indispensable machine in every well regulated family.

The women carded, spun, wove, and made up the garments. Some may exclaim: "What! raise cotton in Illinois and Iowa! and that for home use!" Yes, the soil and climate are well adapted to its growth. It only requires the labour. It will yield now as well as forty years ago! The sun moves in the same sphere which he warmed at that period. Only this — men's necessities do not compel them to raise cotton now, and free labor is turned to better account than a doubtful competition with the slave labour of the south. Also communications have been opened up between the eastern marts of commerce and the then isolated prairies of the West. At the time of which we are speaking there was no medium of transfer except by the slow and expensive conveyance of keel-boats, flat-boats, and wagons.

The merchant received the produce of the country for his goods. If taken in hogs and corn they were combined and the products, pork and bacon, sent off as a remittance for his stock. The new settlers generally raised their own

tobacco and cotton, spun and wove their own cloth, tanned the leather, made the shoes, in short relied upon their own industry for most of the comforts of life. There were no Sabbaths or holy days, no schools or churches, no roads or canals, and no speedy communication with other parts of the world. It was the transition period from the savage to the civilized state, and years and years were wasted in vain endeavor to bring the western prairies in successful cultivation. Add to this the fact that the inhabitants were of that class whose wants were few. Corn dodgers, hoe cake with a little hog and hominy filled the measure of their desires. Their dress was a blue hunting shirt with fringes around the bottom, with buck skin belt around the middle, cotton trousers, coarse brogan shoes or moccasins, a rifle on their shoulders, a huge wolf skin cap on their head, a coon-skin bullet pouch, a powder horn, and a knife stuck in the belt. The women dressed in home made cloth, cut close and trim, fitting their forms with exceeding exactness, a calico bonnet of gingham, ample in its dimensions, with leather shoes made low disclosing the ankle. But in summer and within doors they went barefoot for economy sake. No crinoline deformed their natural symmetry.

They were not called suckers, that term being applied to them after one of those great stampedes to the Galena lead mines which took place in later times about 1827 — similar to that rush for California in 1846[9]. It is well known that the species of fish called a sucker runs far up the streams in spring time and down again in the fall. So these Illinoisians got the name by following the example of the fish. Goods had to be transported from Baltimore by wagons over the mountains to Pittsburgh or Wheeling and thence by keel-boats or flat-boats by the Ohio River or its tributaries and up the Mississippi to supply the new settlements. Conse-

quently prices were high as compared with present rates. In like manner remittances were made with the surplus produce of the country.

As settlements thickened and civilization advanced, election day was indispensable. Not unfrequently differing parties met and fought just to show their manhood, gouging out each other's eyes, peeling off noses, pulling out hair, pounding and tramping one another in the most approved style of the day. We have seen a row begin by two neighboring districts. One man says to another: "Oh you come from Sandy Creek." "Yes." "Well I live on the high prairie and can lick any man that lives on Sandy Creek." Off go the blue hunting shirts, whack resound the blows, down tumble the combatants. They bite, gouge, throttle, and thump until one or the other cries out "enough, take him off." One party attempt to separate them according to the rules of honor; the other party strive to prevent it, and the whole field becomes one theater of individual combat. The victors meantime will jump upon their feet, swing their arms, beat their fists, and swear they are the best men and can whip their weight in wild cats. One more valorous than the rest will crow like a cock, roar like a bull, or whoop like a savage. He dares any Yankee to show his face. We recollect an old song frequently sung by these Tennessee Boys which will show the literary tastes and feelings of the Alligator horses.

A Yankee was looked upon with great aversion as a spy, a sharper, one who would not fight, but kept his skill for buying up the dollar. If he attended the public gatherings no one must suspect him of coming from farther east than the mountain ranges of the Blue Ridge and Alleghanies. If so, then he must fight some one or leave the ground.

But with all these scenes of border life there were ming-

led some gleams of warmest sunshine. The Kentuckian, Tennessean, and Carolinian came to respect more and more their Yankee neighbor. They found him not so bad at least as they had expected. They had borrowed his horses to go to mill, his oxen to add to their prairie team, his loom and spinning wheel for the making of the home cloth, and in pinching times a few bushels of corn for home use, and some that was sure to grow to plant in the spring. Thus the prejudices of those people against eastern men were gradually dispelled and the West presents today an example of how much of sectional prejudice can be done away by bringing man into close proximity with his fellow man. Cowper very justly says: "Lands intersected by a narrow frith abhor each other, mountains interposed make enemies of nations that had else like kindred drops been mingled into one."

The emigrant family which started forty years ago in the flat-boat to found new homes in the West are not through with their wanderings. They hear the wild murmurings of the lead mines away to the north and such scenes as have been repeated in the great stampede to California and Pike's Peak prevail. Accounts come sweeping down by each traveler of great lead mines just opened up at Galena. Farms are sold, their stock and other availables sold off at random. The old pioneers are on the wing again. Gold! Gold! Gold! Oh thou mysterious Spirit, the root of all evil, but the top branches of all progress!

Young men and maidens, old folks and all, start for the lead mines; and a journey then to the land of promise was like a journey in later times to Oregon or California. How they strive and suffer, how they get gold and lose it, how they pass through the perils and hardships and dangers of border life and how they have since been bound to the bal-

ance of the world by the iron hinges of commerce will not now be detailed. Suffice it to say, that lonely settlement far west is the far West no longer. Emigration has flowed onward, ever onward, until the shore of the great western ocean arrests its course even though reflux waves beat back again to the plains of the Mississippi.

In process of time, however, channels of communication were opened up. The steamer began to ply on all the western rivers. Some experiment trips were made from Pittsburgh to New Orleans. We recollect two little short square steamers on the Ohio which seemed at that day to be monsters from the great deep as they urged their way at four miles speed up and down the river.

Now they cover our waters on lake and on stream; while the steam car darts along over our prairies in every direction as a herd of fiery dragons — only they are messengers of peace and joy. Nothing exceeds them in their flying course but the lightnings of heaven borne onward upon the telegraphic wires to serve the uses and purposes of man.

What though the golden crop grows scarce and mining has fled our prairie land. What though a cloud of gloom descended a year ago and desolated many hopes and fond anticipations. Still the valley lands have felt no panic or pressure.

Prolific earth still yields her yellow grain and full and plenteous harvests crown the years. Our banks of ore discount as liberally as before the pressure began.

With the steam boat, railroad and telegraph in full operation over the commercial fields of the West, with improved modes of agriculture and mining, and a return to the legitimate pursuits of home industry we may not envy sunnier skies or golden lands so bright in the dreams of the last few years.

Occupying a central position in the great valley of the West where nature has furnished more of the riches of her abundant stores than in any other quarter of the globe, with a climate unsurpassed and a population untrammelled and strong, we may well indulge in high anticipations of the future and in the language of another viewing the political aspect of the times may our last lingering gaze rest on a glorious Union.

DUBUQUE: ITS HISTORY, MINES, INDIAN LEGENDS, ETC., BY
LUCIUS H. LANGWORTHY ²²

LECTURE I

In this lecture, I propose to give a brief plain statement of incidents connected with the early history of Dubuque, from 1830, to 1836; a period prior to any authentic published accounts, together with some Indian traditions, and such

²² The two lectures reprinted here were delivered before the Dubuque Literary and Scientific Institute on December 18, 1854, and February 26, 1855, by Lucius H. Langworthy. No change has been made by the editor in the spelling, capitalization, or punctuation. The following letter accompanies the lectures as originally printed:

Dubuque, March 4th, 1855.

GENTLEMEN:

In complying with your request, as a Committee of the Dubuque Literary and Scientific Institute, for my two historical sketches of Dubuque and the mines, with a view to their publication under the auspices of your Society, permit me to say, that they contain only the prominent incidents of a frontier settlement, consequently in the events narrated much of minuteness and connectedness of the frame work of history will be wanting. They were prepared, moreover, for presentation to your valuable Institute in the style of social narrative, to a home audience, on subjects whose chief interest must be merely associative and historical, before a Society whose common aims and responsibilities were, to sustain its first course of Lectures, and to induce citizens to undertake them, where the most indifferent treatment of any subject for amusement or instruction, would be looked upon with unusual leniency. Your Institute being established for mutual improvement rather than deep historical research, or close scientific observation, much latitude is allowable in the treatment of general themes.

That there should have been a call for, or a possibility of their finding their way in public print to a larger circle, the lecturer had not the remotest conception. I am aware that they only possess the merit of originality, so far as they contain portions of the unwritten history of the times; to which circumstance is probably to be attributed the interest manifested in their publication. The manuscripts are at your disposal.

Yours truly,

Messrs. REV. J. GUERNSEY,
HON. J. J. DYER,
PROF. J. ALLEN.

L. H. LANGWORTHY.

other matters as have fallen under my own observations, or have been orally transmitted. The traditions that have come down to us through the dim lights of poetry or romance concerning these children of the forest, who had dwelt by the side of the majestic Mississippi, and enjoyed the grand and inspiring scenery of this romantic region, in all its wild luxuriance, would be more interesting far, and I fear I shall weary your patience by recounting the commonplace reminiscences of by-gone days.

Again, in giving the facts regarding the early history of Dubuque, I feel that I cannot do justice to my subject without the just charge of great egotism, having been personally identified with most of the incidents of which I shall treat. Conscious of this difficulty I hesitated some time before accepting the kind invitation to address you upon this occasion. I have to call up the facts of our past history from a somewhat treacherous memory, and prepare a sketch without a written data, stirring incidents, or interesting details, original in all its parts, and truthful in all its relations. But relying on your liveliest charities, I thus undertake the task.

It will be proper, perhaps, to review some of the circumstances that led to our first settlement here, and the condition of the Upper Mississippi Valley, at the time of which I shall first speak. There were no white inhabitants settled upon all the region north and west of the Illinois River. Thirteen miles square of mining land had been ceded to the government of the United States, by the Winnebago Indians, at Galena; a few trading posts were established along the Mississippi, at various points above St. Louis, forts were erected and garrisoned at Warsaw, then Ft. Edwards, Ft. Armstrong, at Rock Island, and Ft. Crawford, at Prairie Du Chien.

Indian Villages lined the banks of the ocean stream, at different places, and mere trails united us with St. Louis, and central Illinois.

The Indians were immensely numerous, jealous of the white people who were approaching their borders, and ready upon any provocation to fly into open hostilities against them. Many renowned chiefs, such as Blackhawk, and Keokuk, stood at the head of the respective bands of the different nations to inspire dread and apprehension among the mingling masses, as the first wave of civilization rolled onward to the western wilds.

Strange, that such a vast aboriginal population should so soon pass away, and their places be usurped by the intruding white man, with his innovations and improvements. At that time no steam boats navigated the Mississippi, except, occasionally one, laden with Government stores for the different garrisons along the river. Supplies for the new settlers had to be transported from Ohio to Kentucky, in keel boats, and a journey to the lead mines then, was like a journey now over the mountains to Oregon, and California.

No thought was then entertained that this mining region would ever become the home of permanent settlers, or useful for purposes of agriculture. It was deemed a sterile frozen region.

Galena, had, however, a place on the maps, and became of considerable commercial importance long before Dubuque was known, except by the French and Spanish traders, who, for barter with the Indians for their furs and peltry, had long before penetrated the wilds of North America. But even they had gone onward to the better hunting grounds in the great plains and mountain passes of the West.

In 1822 or 1823, Col. Johnson, of Kentucky, commenced mining near Galena, and opened some lodes of lead ore, one

of them, (which was called the Buck lode,) proved immensely valuable. He had a number of negro hands mining and smelting the ore as it was raised.

In 1824, Moses Meeker, Mr. Harris, and their families, with Orrin Smith, and a number of others, landed at Galena, from a keel boat, some fifty days out from Cincinnati; they all engaged in mining with various success.

In the fall of the same year James Langworthy, arrived from St. Louis, who with Orrin Smith, and others, opened the mines of Hardscrabble. They soon had the good fortune to strike a valuable vein of ore and sold the same to Alexes Phelps, who realized above purchase money and expenses more than \$20,000 from it.

Hardscrabble diggings are situated about nine miles north of Galena and received the name from a terrible encounter which took place between contending parties for possession of a lode, in which hard blows, rifles, and bowie knives, were freely used. In 1827 the speaker came to the mines, in company with a brother and two sisters, together with Mr. Meeker, on his return from Cincinnati, Maj. Hough, Capt. Donney and Lady, and five or six others.

We embarked at Quincy, Illinois, in a Pirogue, and were thirty days on the voyage. A Pirogue, is a kind of intermediate craft, between a canoe, and a keel boat. The name is French, and signifies the kind of boats used by the early voyageurs to transport their furs and effects over the shoal waters and rapid streams of the western wilderness. I mention the time occupied in our journey hither, in order to show some of the difficulties of settling this new country at that early period. Think of a boat's crew, with several ladies on board all unaccustomed to the river, being compelled to work a boat up with poles, and oars, against the swollen current of this mighty stream, in the hot weather

of June, sleeping on sand bars, or anchored out in the river at night to avoid the musketoes, or lurking Indians, living upon salt pork and dry biscuit, coffee without cream or sugar, and withal making only about eight miles average per day. But this was then the land of promise, as California has since been. In July that year, the Winnebago war commenced. Much alarm was spread over the country, and the people erected forts, and block houses, for defence, abandoning all other employments for the time. Col. Henry Dodge led a company of miners, against the Indians, at their town on Rock River. The village however, was found deserted, and they returned, after taking one lad prisoner.

After some slight depredations the Indians applied for peace at the Treaty held by Gen. Cass, at Prairie Du Chien, in August, 1827 and thus this war was closed. The citizens returned again to their usual employments, and spread over all that country north of Galena, as far as Mineral Point, and Dodgeville, which had been purchased at that treaty of those Indians. By this time steamboats began to ply regularly between here and St. Louis, and a large amount of lead was manufactured for exportation.

In 1830, a war between the Indians themselves, began with all the horrors of savage barbarity. Some ten or twelve Sac and Fox chiefs, with their party were going to Prairie Du Chien, from Dubuque, or rather the Little Fox Village, as it was then called, as delegates to attend the Treaty conference to be held there by United States Commissioners. But when at Cassville Island, in their canoes, they were attacked by a large war party of Sioux and literally cut to pieces. Only two of all their number escaped, one being wounded never reached home, and the other being shot through the body, lived only to tell of the disaster. He arrived in their village after swimming streams, hiding and skulking along,

and starving with hunger, in time to die among his kindred and friends. The tribe, now in great confusion and alarm, left the place and the graves of their Fathers, mostly never to return, and thus these mines and this beautiful country was left vacant, and open to settlement; for previously the Indians would allow no one to intrude upon their lands.

There were mines of lead worked here as early as 1800, by the natives aided by Julien Dubuque, an Indian trader, who adopted their habits and customs, married into their tribe, and became a great chief among them. He is said to have been of French and Spanish parentage, of small stature, greatly addicted to the vices incident upon the comingling of Spanish and Indian races in America, and a great medicine man. He would take live snakes of the most venomous kinds into his arms and bosom, and was consequently regarded by the Indians with a superstitious veneration. He died a victim to his vices in 1810, and was buried on a high bluff that overlooks the river, near the Indian village at the mouth of Catfish creek. A stone house surmounted by a red cedar cross, with a leaden door, was placed around his grave, which may be still seen, though in a dilapidated condition. When I first visited his tomb in 1830, the remains of two Indian chiefs were deposited within, I suppose as a mark of peculiar distinction. On the cross is inscribed the following, in French, which being translated literally is: "Julien Dubuque, miner, of the mines of Spain, DIED, this 24th day of March, 1810, aged 45 years and 6 months."

We crossed over the Mississippi at this time, swimming our horses by the side of a canoe. It was the first flow, or the first tide of civilization on this western shore. There was not a white settler north of the Des Moines, and west of the Mississippi to Astoria, on the Columbia river, with the exception of Indian traders. The Indians had all along

guarded this mining district with scrupulous care. They would not allow the white people to visit the place, even to look at the old grass grown diggings of Dubuque, which were known to exist here, much less would they permit mining to be done, or settlements to be made. It was like the ancient Canaan, to the Israelitish leader, "a forbidden ground." To PASS OVER was the ULTIMA THULE of many an enterprising miner; but, up to this time only a glimpse of the promised land had been permitted.

The country had just been abandoned by the RED MEN, their moccasin tracks were yet fresh in the prairie trails along which the retiring race had fled on their mysterious mission westward, and the decaying embers were yet cooling on their deserted hearths within their lonely and silent wigwams. Where Dubuque now stands, corn fields stretched along the bluffs, up the ravines, and the Coule valley, and a thousand acres of level land skirting the shore, was covered with tall grass, as a field of waving grain. But the stalks of the corn were of the last year's growth, the ears had been plucked, and they withered and blighted, left standing alone MOURNFUL REPRESENTATIVES of the VANISHED race. A large village was then standing at the mouth of Catfish Creek, silent, solitary, deserted — no one remained to greet us, but the mystic shadows of the past. About seventy buildings constructed with poles, and the bark of trees remained to tell of those who had so recently inhabited them. Their council house, though rude, was ample in its dimensions, and contained a great number of furnaces, in which kettles had been placed, to prepare the feasts of peace or war. But their council fires had gone out. On the inner surface of the bark there were paintings done with considerable artistic skill, representing the buffalo, elk, bear, panther, and other animals of the chase; also their wild

sports on the prairie, and even their feats in wars where chief meets chief, and warriors mix in bloody fray. Thus was retained a rude record of their national history. Could the place have been preserved on the canvass, or by the Daguerrean art, it would have been an interesting relic, but nothing now remains of it, and but few know that such a place ever existed. It was burned down in the summer of 1830, by some visitors in a spirit of vandalism, much to the regret of the new settlers.

Just below the village stands the Sioux Bluff, noted in Indian tradition as the place where was fought the last great battle between the Sacs and Fox, and the Sioux, who were continually at war with each other. It is an isolated bluff some two hundred feet high, with the side next to the river perpendicular and separated from the adjoining bluffs by a wide valley passing all around it. Here, according to the legends of the day, a Sioux band of warriors made a last and final stand. They had partially fortified their position by a thick line of brush wood, cut down and interlocked together, and here, with their wives and children awaited the attack of the war-like Sacs and Fox, now for the first time united into one band. Night came on, and the foe was near, confident in his strength and flushed with recent victory. At night the dusky warriors began to ascend the hill with silent, slow, and measured pace, then with one desperate rush the out-posts were gained and the sentinels dispersed. Setting on fire the brush-wood defences illuminating the battle ground, they fought with the advantage of darkness about them, while the Sioux were exposed in the light, to the deadly aim of their arrows and guns. The fight was immediately around the burning out-lines of the camp until the Sioux, thinned in numbers, began to give way. The chiefs and warriors of the assailants with war

clubs and tomahawks, charged upon them in overwhelming numbers. Short, but terrible was the conflict upon the verge of the towering cliff to which they were now driven, for amidst the wild yells and terrific scenes of savage war, the Sioux were all slaughtered on the spot, or hurled headlong from the precipice to the vale below. Along the margin of the bluff was to be seen their bleaching bones at the time of the white man's earliest settlement. The Indians never pass this castellated crag, without ascending to its summit and casting pebbles, or other substances upon this place of carnage. It is said a youthful fairy form, every full moon at mid-night hour is seen to hover round the fatal spot, and for a hundred years been heard to wail her lover slain. Once in each year, the custom is, among surviving friends, to visit the resting places of their distinguished chiefs, and pile new earth upon their graves. This is a simple, though touching symbol of remembrance.

On the prairie where Dubuque now stands there were a number of ancient mounds. Some of these tumuli, or whatever they may be called, were of a round, others of a square form, and some were arranged in parallel lines, giving them the appearance of old fortifications, which indeed some theorists suppose them to have been. Others think they were erected by the Incas, "Children of the Sun," the ancient Peruvians, in their migration, or that they were the mausoleums of the distinguished dead of a race, who, have long since passed away, whose very name and history are buried under the rubbish of time. They may be, however, only the works of a class of animals now extinct, resembling in habits the prairie dog still known to exist in the great plains that skirt the base of the Rocky Mountains west of Missouri and Arkansas. These little animals live in communities, and scrape together heaps of earth for their dwell-

ing places similar in appearance to these mounds. Though their origin is lost in obscurity it is clear that they were not erected by a race who had any of the arts of civilized life among them, such as may be found in Mexico and Central America, no tell tale blocks of granite, ruined tablets, or crumbling towers.

The mounds were used by the Indians for burial places, especially, while Dubuque lived among them, though sometimes they wrapped their dead in blankets, or bark, and placed them up in the branches of the trees, and often on scaffolding. At this time many were to be seen among the trees along where Main Street now runs, that being the only point where timber then grew. But in the mounds their remains were mostly deposited, especially the mixed races, children of the laborers of Julien Dubuque who inter-married with the natives; their graves were mostly distinguishable by palings being placed around them.

These remains were exhumed by some Dentist visitors, who desired their teeth for use in their profession. The delicate American lady has hardly dreamed her artificials were of the WEST INDIAN IVORY!! Many of these bodies were found quite entire, with little trinkets about them, such as pieces of silver, wampum, beads, knives, tomahawks, etc. These grave robbers were compelled however to desist, for even coarse miners could not bear such vandalism. There were at that time beautiful groves of timber growing upon the northern declivities of the bluffs back of Dubuque, extending a mile or so, but these simultaneously with the ranks of the swarthy native, were all mowed down by the sweeping scythe which the white man calls progress. We can almost conceive of the great spirit of the red man looking down from his clouds in sorrow or anger upon the work of devastation.

It will be proper to remark while passing, that the Indians do not mine or labor in any way; on this occasion however of our valuable discovery of mineral being left by parties before mentioned, they returned being protected by the troops; and encouraged by the traders, they mined to some considerable extent upon this lead mine. The owners had succeeded in taking away about one hundred and twenty thousand pounds of mineral, selling the same for five dollars per thousand. Five years before this, three thousand pounds were given for one barrel of flour, English and Spanish lead having been shipped into our ports, in the form of busts, weights, anvils, anchors, etc., to evade the high rate of duty upon pig lead, and other kinds specified in the tariff law. This course threw down the price of the article in the mines to a ruinously low rate. It operated hardly on all classes, and all were high tariff men, especially as regards the article of lead. When the Indians mined however, which was on special occasions, there were often fifty or a hundred boys and squaws at work, on one vein. They would dig down a square hole, covering the entire width of the mine leaving one side not perpendicular, but at an angle of about forty-five degrees, then with deer skin sacks attached to a bark rope, they would haul out along the inclining side of the shaft, the rock and ore. Their mode of smelting was by digging into a bank slightly, then put up flat rocks in a funnel shape, and place the ore within, mixed with wood; this all burn together, and the lead would trickle down into small excavation in the earth, of any shape they desired, and slowly cool and become fit for exportation.

The lead manufactured here in early times by Dubuque and the natives, found its way to St. Louis, Chicago, Mackinac, and other trading ports, and some even into the Indian

rifle in the war of 1812, in the woods of Indiana and Michigan. The mode of smelting adopted at first by the white people, was by building a furnace somewhat like two large chimney places, set in a bank of earth leaving an aperture in the lower side, for a circulation of air. In these, large logs of wood were placed like back logs, back sticks and fore sticks all fitting together, then the mineral was placed on the logs, covered with finer wood, and the whole set on fire. Thus in twenty-four hours the lead would be extracted and run into cast-iron moulds. About fifty per cent, of lead was obtained in this way, leaving scoriæ and a waste of small pieces of ore, to be run over in another furnace differently constructed. In this last process, about fifteen per cent. was added to the first product. Now, by the improved mode, of blast furnaces, about eighty-five per cent. is obtained, showing that the ore is nearly pure, except, only the combination of sulphur with it, which is the inflammable material, and assists in the process of separation.

As I have said, the speaker and an elder brother, in June of that year, crossed the Mississippi in a canoe, swimming their horses by its side, landed for the first time on the western bank of the stream, and stood upon the soil of this unknown land. No sound disturbed the solemn stillness,

“So wondrous wild, the whole might seem,
The scenery of a Fairy dream.”

Soon after this a number of miners crossed over the river and possessed themselves of these lands, thus left vacant; their mining operations proved eminently successful. Many discoveries were made, which bid fair to realize the most romantic ideas of the wealth previously thought to be stored away within the subterranean vaults of these mines. It was known that Dubuque had obtained immense quantities from them, and the accounts which the Indians gave of

them, served to strengthen the belief that the veins of ore here, were inexhaustible. The first lode discovered was of great value, and confirmed this opinion.

About the fourth of July, Zachary Taylor, then commanding at Prairie Du Chien, called upon the miners, and in a formal and public manner, forbade their settlement, and ordered them to re-cross the river. This land was not yet purchased of the Indians, and of course, came under the control of the War Department. Capt. Taylor, as he was then called, told the miners, it was his duty as a Government officer, to protect the lands; that such were the treaty stipulations, and that they must be off in one week. They declined doing this, telling the Captain that he must surrender this time. They urged that they had occupied a vacant country, had struck some valuable lodes, that the land would soon be purchased, and that they intended to maintain possession; to which, Zachary Taylor, replied, "We shall see to that my boys."

Accordingly a detachment of United States troops were dispatched with orders to make miners at Dubuque walk Spanish. Anticipating their arrival they had taken themselves off, for at that early day they believed that "rough" would be "ready" at the appointed time. The miners were anxiously peering from the high bluffs on the east side of the river as a steamer came in sight bringing the soldiers, who were landed on the west shore. Three of the men, who had lingered too long, were taken prisoners. They were however soon released, or rather took themselves off. It is said that one of them, a large fat man, by the name of Lemons, made his escape from the soldiers while at Galena, and taking the course of the high prairie ridge leading northerly, exhibited such astonishing speed that the race has long been celebrated among the miners, as the greatest feat ever performed in the diggings.

The military force was stationed permanently at Dubuque, and the Indians, venturing back to the place sure of safety and protection against their inveterate enemy, the Sioux and other intruders, were encouraged to mine upon the lodes and prospects which the white people had discovered. From one mine alone, the Indians obtained more than a million pounds of ore, in which they were assisted by the traders and settlers along the river, with provisions, implements and teams. While the discoverers, those who had opened these mines again after they were abandoned by them and the Spanish miners more than twenty years, were compelled to look across the water and see the fruits of their industry and enterprise consumed by the Indians. We lost in this manner, more than twenty thousand dollars worth of mineral, which was taken from one lode by them.

Opposite to this place at that time there lived a man by the name of Jordan, and this was not unaptly called looking over Jordan, into the promised land. In the commencement of the Blackhawk war, in 1832, the military force was withdrawn and sent against the same Indians, whose lands they had so long guarded; many of them having joined Black Hawk in his insane attempt to re-gain the possession of that which their nation had once disposed of in Michigan and Illinois. Zachary Taylor, with his forces and the volunteers under Col. Dodge, composed in part of those miners thus despoiled of the fruits of their first labors at Dubuque, were among those who followed the Indians and finally defeated them at Wisconsin, and at the Bad Axe, in the fall [August] of the same year, putting an end to that war.

They recollect Col. Taylor well, indeed almost too well, though only as a faithful and brave officer. What he did at

Dubuque, although it robbed them of the rewards of their labor, it is supposed he thought to be his duty under his general orders, and as for his conduct in the wars of our country, since that period, that is a portion of American History. Long after this, while conversing with him in the White House, at Washington, the old veteran alluded to these early scenes of his life, with great gaiety and declared that those miners at Dubuque, were worse to manage than the Seminoles or even the Mexicans.

In September, a treaty was held at Rock Island, by General Scott and others, on the part of the Government, and the Black Hawk purchase was agreed to. It included all the country bordering on the west side of the Mississippi river, comprising the eastern portion of our State. About this time those who felt an interest in the mines of Dubuque, returned to take possession of their former discoveries. Up to this date the Indians, defeated and dispersed at the battles of Bad Axe and Wisconsin, were lurking about in the vicinity. Mr. Jordan and family were among those at the Fort in Galena, and all the other settlers near by, had sought safety either in the stockades, or had entered the army in defence of the country. There were however two men, who had foolishly remained on their farm on the Menominee. One day while they were hoeing corn in their field, the Indians came in view, and seeing them thus engaged and unprotected, crawled up on the different sides of the field, and after having secured their guns which had been left carelessly by the fence, fired upon them and killed one of them, whose name was Durgan; the other made his escape. A party had just returned in the invalid company, from Fort Winnebago, and hearing of their depredations, formed a company of twelve men at Platteville, and started in pursuit, scouring the islands, where the Indians were thought

to be secreted, and the woods generally, until they arrived at Mr. Jordan's place (now Dunleith,) where they found by indubitable signs that the Indians had crossed the river, for they had cut in two the large canoe of Mr. Jordan, and made their escape in half of it; showing that there were but a few of them, so few, that they could not take the whole canoe from the distant bank into the river. Three of the company remained until they were joined by others direct from the battle of Bad Axe, when they again crossed the River, and renewed operations upon the same mines discovered by them in 1830, also, building houses, erecting furnaces, cutting wild hay, and preparing for the winter.

Many fine lodes and prospects were discovered and considerable lead manufactured up to about January, twenty-fifth, 1833. I could here name many others who settled during this fall; Thomas McCraney, Whitesides, Camps, Hurd, Riley, Thomas Kelly, etc. In fact there were more than two hundred allured here by the flattering prospects of the country during this fall. But in January the troops were again sent down from Prairie Du Chien, and removed the settlers the second time, merely because the treaty by which the land was acquired, had not been ratified by the United States Senate, a formal act that every one knew would take place at the earliest opportunity. This was a foolish policy on the part of the Government, and operated peculiarly hard on the new settlers, who were thus obliged to leave their cabins in the cold winter of 1832-3, and their business also until spring. Many re-crossed the river and did not return. We repaired to the Island, and there erected temporary buildings to await the ratification of the treaty. Having about three hundred thousand pounds of lead on hand, and being uncertain what would be the orders of the military regarding this kind of property taken from

land not yet fully owned by Government, we removed it also to our island home, and remained by it until spring, the soldiers meantime occupying our warm and comfortable dwellings at the mines.

Several cabins were torn down, and some wagons that were conveying mineral away during the winter were cut to pieces and destroyed, by the orders of Lieutenant Covington, the officer in command, he being clothed with a little brief authority. But on complaint to Col. Taylor, at Prairie Du Chien, he was removed, and Lieutenant George Wilson, brother of Judge Wilson, sent in his place, a man of more mild and amiable disposition.

In June, 1833, Mr. John P. Sheldon, arrived with a commission from the department at Washington, as Superintendent of the mines, the military force having been previously withdrawn, and the treaty confirmed. He proceeded to grant written permits to miners, and licenses to smelters. These permits entitled the holder to the privilege of staking off two hundred yards square of land wherever he chose, if not occupied by others, and have peaceful possession, by delivering his mineral to a licensed smelter, while the smelter was required to give a bond to the agent conditioned to pay, for the use of the Government, a fixed percentage of all the lead he manufactured. Mr. Sheldon continued to act in this capacity only about one year, for he could not be the instrument of enforcing this unjust and unwise policy. He saw that these men, like all other pioneers who by their enterprise were opening up a new country, and fitting it for the homes of those who follow their footsteps, should be left, by a wise and judicious system, to the enjoyment of their hard earnings. The hidden wealth of the earth, its pine forests and surface productions, should alike be offered freely to all those who penetrate the wilder-

ness, and thus lay the foundation of future societies and States.

It has been the policy of our Government, at various times, to exact rent for all mineral, or pine lumber taken from the public lands; which policy is wrong and should be forever abandoned; for the early settlers have privations and hardships enough without encountering the opposition of their own Government, especially these miners many of whom had labored for years on the frontiers, cut off from the enjoyments of home and all the endearments of domestic life. Your speaker was himself one of these, being thrown in early life upon the crest of the wave of western emigration, often beyond the furthest bounds of civilization, and not unfrequently amid the tragical scenes of border strife.

But among all such toils and dangers a kind Providence has thus far safely guided his wandering footsteps. For thirty-seven years he has witnessed the expanding energies of the West in various stages of progress and development. In that time five new States have grown up from a homeless wilderness, and become great and prosperous, teeming with a rapidly augmenting population. Twenty-three years he labored mostly in the mines, in different capacities, and during about half that period he has toiled in the deep narrow caves and crevices, in the cold damp ground, working upon his knees, sometimes in the water, and living like many other miners in "Bachelor's Hall," cooking his own food, and feeling secluded from society and far from the circle and associations of youthful friendship. Under such privations he felt the demand of a heavy tax by the government to be oppressive indeed, and he would be wanting in consistency and spirit if he had not on all proper occasions protested against a system that seems much more regal

than republican, and which degrades the Western Pioneer to the condition of a tenant at will of the General Government. The history of the West shows that in thirty-seven years the increase of population in the five States alluded to exceeds the number of people in the whole thirteen colonies at the time of the revolution; and the West has thus added such additional strength to our government as to pay a hundred-fold for the few favors it has extended to us.

In 1833-4, the town of Dubuque continued to improve. It now first received its name by a public meeting held for that purpose, and began to assume the appearance of a prosperous business place. Many stores were erected, emigrants continued to flock hither, the mines increased in richness, and as if by magic the country was transformed from a lonely wilderness into a prosperous community.

It is true that the cholera and other fatal diseases made their ravages among us, yet, notwithstanding all obstacles, our resources were rapidly developed. At this time Burlington and some other towns along the river had been settled, and become points from which further advances were made into the new country. The lands in the southern part of our State, having been first brought into market, were settled previous to the rest, except this locality of the mining region. Indeed, this dilatory action on the part of the government, in relation to the mines and the public lands in their vicinity, was another hindrance to our prosperity.

During this period there happened many tragical occurrences at Dubuque. The civil laws of the country had not been extended here; consequently, all authority was vested in the hands of the people at large. A man by the name of O'Connor murdered his partner by shooting him dead with a rifle. A sheriff was immediately appointed, who with a posse comitatus, arrested the offender. A court was then

organized, and a jury of twelve men impaneled. They allowed the prisoner a lawyer to claim for him the benefit of legal maxims applicable to the case. He was tried, found guilty, and condemned to death. After some time given him to prepare for death, and to receive the consolations of religion through a priest of his own choice, he was hung in the presence of a concourse of a thousand people. The spot where the execution took place was afterwards called O'Connor's mound. It has recently been leveled to give place to buildings on the corner of White and Seventh streets.

At this time there were but very few men in the whole country who did not indulge in drinking and gambling. "Poker" and "brag" were games of common pastime, while the betting often run up to hundreds of dollars at a single sitting. It pervaded all classes; the merchants and other passengers to and from St. Louis while on the steamboats occupied their time chiefly in this way, and it was considered no disgrace to gamble. Balls and parties were also common and it was not an unfrequent occurrence for one to treat his partner in the dance at the bar, if he did not, he generally performed that delicate and flattering attention to himself. The Sabbath was regarded as a holiday and vice and immorality was prevalent in every form.

Yet amidst all this there were occasional gleams of moral sunshine breaking through the clouds of dissipation, and a brighter future lay before us. In fact drunkenness and rioting had already considerably diminished, and a few years afterwards we had reason to rejoice that order had taken the place of discord. Upon the establishing of courts here, first under the jurisdiction of Michigan, then under that of Wisconsin Territory, matters assumed a more peaceful and quiet aspect.

But there were even then occasions of turbulence and

blood-shed in quarrels about lands and claims. Mr. Woodbury Massey lost his life in one of these difficulties. There were no courts of competent jurisdiction to try cases of crime, or rights to property. A long time intervened between the withdrawal of the Government protection and the establishment of civil laws by local authority.

No survey of the public lands had yet been made, and in the transition from the old, to the new state of things, misunderstandings naturally arose. Under the Government rules, and regulations for the control of the mines, it was necessary to work and have mining tools almost continually on the land claimed in order to secure possession; under the new order of things there were no uniform customs prevailing regarding possession of property; each man formed his own standard and was governed by his own opinions. It is not surprising then, that difficulties should arise. He who has passed through all the scenes and trials incident to the settlement of a new country will not readily seek another distant frontier as a home.

Woodbury Massey was the eldest of several brothers, and a sister, all left orphans in early life. Himself and family were members and the chief founders of the first Methodist Church erected in this city; a man of fine education; polite and amiable in his disposition; one of our first merchants and possessing a large share of popular favor. He was enterprising in business, and upright in all his dealings. Had he lived, he would no doubt have proved, a main pillar and support in our young community. But in an evil hour he became the purchaser of a lot and lode, called the Irish Lot near where Mr. Mc'Kenzie now lives.

It appeared that a Mr. Smith, father and son, had some claim on this lot and lode. They were the exact opposite to Mr. Massey in character and disposition. A suit before

a magistrate grew out of this claim, and the jury decided the property to belong to Mr. Massey. It being a case of forcible entry and detainer, the Sheriff, as was his duty, went with the latter to put him again in possession of the premises.

When they arrived upon the ground, the two Smiths, being secreted among the diggings, rose up suddenly, and firing their guns in quick succession Mr. Massey was shot through the heart. His family living near by, saw him fall, thus early cut down in the prime of his life and usefulness, a victim to the unsettled state of the times, and the ungoverned passions of turbulent men. The perpetrators of this deed were arrested and held in confinement until the session of the Circuit Court at Mineral Point, Judge Irving, presiding, upon the trial. The counsel for the defence objected to the jurisdiction of the court, which was sustained by the Judge and accordingly the prisoners were discharged and let loose upon society. They however left this part of the country for a time.

One of the younger brothers of Mr. Massey, highly exasperated by this transaction that no trial could be obtained for such offenders, had determined it seems, that should the elder Smith ever come in his way he would take the punishment for the murder of his brother into his own hands. One day, while sitting in his shop at Galena, he chanced to see Smith walking the public streets of the place when instantly snatching a pistol and hastening in the direction, he fired upon him with fatal aim. Thus Smith paid the forfeit of his life by intruding again among the friends of the murdered man, and in the community which had witnessed the scenes of his violence.

For this act of the younger brother there seems to have been the broadest charity manifested. He was never tried,

or even arrested, and still lives in the country, a quiet man, and greatly respected by all who know him.

The death of the father, of course, soon brought the younger Smith to the mines. It was understood privately that he determined to shoot one or the other of the surviving brothers at the very first opportunity. He was known to be an excellent shot with a pistol, of imperious disposition and rash temper. These rumors finally reached the ears of the fair haired, blue eyed sister, who was thus made to believe that he would carry his threats into execution. She was just verging into womanhood, with fresh susceptibilities and all of her deep affections awakened by the surrounding difficulties of the family. One day, without consulting others, she determined by a wild and daring adventure to cut off all chances of danger in that direction. Disguising herself for the occasion and taking a lad along to point out the person she sought, having never seen him herself, she went into the street. Passing a store, by the wayside, the boy saw Smith and designated him from the other gentlemen in the room by his clothing. On seeing him thus surrounded by other men, one would suppose that her nerves would lose their wonted firmness. He was well armed and resolute in character, this she knew; yet stepping in amidst them all, in a voice tremulous with emotion and ominous in its tones, she exclaimed, "If you are Smith defend yourself." In an instant, as he arose, she pointed a pistol at his breast and fired; he fell, and she retired as suddenly as she appeared. It was all done so quickly, and seemed so awful that the spectators stood bewildered at the tragical scene until it was too late to prevent the disaster.

It so happened that Mr. Smith had at the time a large wallet filled with papers in his breast pocket. The ball

striking about its center did not of course penetrate all of the folded leaves, and thus providentially his life was spared.

Smith, soon recovering from the stunning effects, rushed into the street to meet his assailant; but she had fled and found shelter at the house of Mr. Johnson, a substantial merchant of the town, and was subsequently sent away by her friends here, to some relatives in Illinois, where she was afterwards married to a Mr. Williamson, formerly of this place. Her name, Louisa, has been given to one of the counties in our State. Smith lived several years, but the wounds probably hastened his death. She is also dead, and is to be hoped that God's mercy has followed them beyond earth's rude strifes and that they dwell in peace in a purer and better world.

If, in reviewing before you, ladies and gentlemen, these deeply thrilling scenes as they affected our susceptibilities in the dark days of Dubuque's early history, I shall wound the feelings of any surviving friends of either of the parties, forgive me, and believe that I would not willingly probe any wounded hearts, much less would I wish to gather fresh infamy to throw over the memory of the dead. Twenty years of forgetfulness are passed away, and with them some of the regrets and remembrances, the hopes and the disappointments, which clustered around each by-gone day; and, while memory now un-willingly re-calls them let the mantle of charity fall upon all that has been wrong in the actions of the past.

In 1835 the times continuing prosperous great additions were made to our population. The mines proved rich and abundant, and many farms began to be improved in the vicinity. The Town had become a place of considerable importance, exporting in that year about fifty million pounds of lead.

About this time, Choteau, of St. Louis, an heir at law of Julien Dubuque, endeavored to gain possession of his claim by proposing to lease the land to miners and farmers for a mere nominal consideration; but they generally preferred the protection of the Government, and refused to acknowledge any other ownership.

This claim of Dubuque, extending as it did, over the whole mining district, has been a source of much injury to the city and country generally; for men do not like to risk their labor on lands to which there is not a perfect title. Again, the mining character of the lands served to keep them out of market for a long time after other portions of the country had been disposed of to the inhabitants. This accounts for the newness of settlements in our vicinity, in comparison with other parts of the State.

During this year Capt. Edward White, then residing on the hill, (now Sullivan's addition of Mount Pleasant,) had a difficulty with Dr. John Stoddard, concerning the right of possession to that claim. Under the excitement of a quarrel, he shot White with a charge of coarse shot, and in three days the wound proved fatal. He died much regretted by all, leaving a large and amiable family. He was buried near the place where he was shot and two rough stones were set up to mark the spot. But such scenes are now quite forgotten, except perhaps, in the memory of a few whose hearts may still silently bleed, and the world know it not.

I was rambling the other day through the grove which has since grown up, when I accidentally came upon the two grave stones that point to the ashes of the silent dead. I had forgotten the place and all the circumstances connected with it, until these rude memorials re-called them. Many scenes of our border life are doubtless gone from my mem-

ory entirely, or are too common-place to be re-counted here. Stoddard escaped to a distant part of the country, I know not whither, leaving some distant connections still here; but it is to be presumed that when the recollection of that scene of violence and passion comes over his memory he will feel the unavailing regrets that must occasionally, at least, fill the mind of every man who wantonly spills the blood of his fellow-man.

Lynchings were of frequent occurrence at this time. A fellow by the name of Leek had stolen a large canoe belonging to Thomas Mc'Crane, and loaded the same with lead from the piles near the river, which had been placed there for convenient shipment. He floated down the stream as far as Rock Island, and there sold out at a net profit, as he supposed. But already there was one on his path, though he supposed he had left no traces in the secrecy of the silent waters. He was found at Rock Island, and brought back to Dubuque for trial. Judge Lynch immediately called his court together, Leek was found guilty, and sentenced to receive thirty-nine lashes which were accordingly well laid on. He had no sympathy except what he received by a little brandy administered on the occasion. The sentence was executed by Mr. Enoch, sheriff for the time. A black-jack tree, which stood near the present mansion of Judge Dyer, was the scene of this act of justice. Having been tied to the tree and whipped, he was then sent across the river, with a promise of a double punishment should he venture to return.

A Mr. John O'Marra was knocked on the head with a club while sky-larking, as they called it, by Patrick Brennan—rather rough playing as the poor man died immediately. The officers of the lynch law turned out to arrest the offender, but he had made his escape.

A fellow living in town was known to beat and abuse his wife most shamefully. He was taken, tarred and feathered, and sent across the river. In short the majesty of the laws were fully vindicated, and the peace and order of society secured, as well, and perhaps better, than since the establishment of regular courts; for let it be remembered that there has never been but one case of capital punishment inflicted in this community, and that is the case of O'Connor previously related.

The first house erected here for public worship was the old log church standing on the ground now occupied by the old Methodist Church. Rev. Mr. Bastian usually preached on the Sabbath, and the house was occupied for a school on week days. Mr. Whitmore, now of Bowen's Prairie, was the teacher. The next was the old Catholic Church. An attempt was made to build a Hotel by subscription, but this effort failed.

About thirty blocks of land had previously been laid off by George W. Harrison, and the expenses of the survey paid by individual contributions. In fact all the public improvements of the place were sustained by the generous spirit of the people of the mines.

It was confidently anticipated that Dubuque would be the seat of the new Territorial Government. From its central position it was entitled to it; but the speculators of Belmont and Madison controlled that subject; the first session being held at Belmont. Our members in the Senate were John Foley, Thomas Mc'Craney and Thomas Mc'Knight; in the House of Representatives, L. Wheeler, Hardin Nowlin, P. H. Ingle, P. Quigley and H. T. Camp.

In May 1836, the first number of the "Dubuque Visitor" made its appearance. It was published by John King Esq. with an appropriate motto of "Truth our guide—The pub-

lie good our aim," and a heading "Dubuque Lead Mines, Wisconsin Territory, Wednesday, May 11th, 1836." Here was the first record of transpiring events. On the first page appeared an article entitled "The worth and devotion of woman's love," (we were all bachelors then.) On the second page was a communication on the great advantages of our town and country, "by a citizen;" on the third page appeared another article in regard to woman's sphere and duties, by Hannah Moore, entitled "Good House Wives." Indeed, Woman was a rare and cherished object in those days, and our editor was a bachelor. On the fourth page was an eloquent speech by the Hon. George W. Jones, of Sinsinawa Mound, on the subject of the division of Michigan Territory into two separate governments, one to be called Wisconsin Territory. He had been elected a delegate to Congress, from Michigan, the year previous. While a candidate he was waited on by a committee of our citizens that he might declare, in accordance with western custom, his political sentiments, when getting upon a pile of lead in our town he stated among other things that he, as a delegate in Congress, without a vote on public measures, and asking favors from both political parties, should however belong to neither; and that if elected he would stand a friend to each grand division and thus be enabled to secure appropriations for our young and destitute Territory. I do not mention this in the way of disparagement to General Jones, for in one sense of the word, we were all whigs then, particularly on the subject of a good sound protective tariff on lead. He was accordingly elected, and pursuing this line of policy he gained many important favors from the general Government, among which was a grant of land from Congress of the section comprising our City. By the act, the town was to be laid off into streets, public squares,

lots and out-lots; these last to be sold to the claimants and the proceeds devoted to our public improvements.

This was an important step in the progress of the place, while the many other appropriations, which Gen. Jones was enabled to procure, gave permanency to business operations. A bill to divide the Territory of Wisconsin was now pending before Congress. In regard to the name, Iowa, it may be well recollected that Lieutenant Lee, of the board of topographical Engineers, in his report to Congress in 1838, upon the improvement of the Mississippi River above St. Louis, when remarking on the western rivers, mentions the Iowa River, as a central stream, within what would one day be a great State. Improving upon this idea, a writer in the *Dubuque Visitor*, in a little sketch, calls this "the future State of Iowa." This is the first time the word was ever used in this connection. The article is called a "Vision," and is in these words:

"I was lying in a state of partial slumber and dreamed that I was on a voyage among the islands of the ocean and visiting the great marts of commerce in the old world. Anon, I was roaming over the once happy land of Greece, then again standing on the classic ground of Italy. After an absence of many years I thought I was again in Dubuque. I found myself near a large stream, whose shores were lined with farms, over which the yellow harvest was waving. Fine villages were springing up on every side, and along the broad road on which I was traveling, thronged a crowd of horsemen, wagons, and steam-carriages. I inquired of a traveler whom I met, how far it was to Dubuque's mines. The City of Dubuque said he, is fifty miles to the east of this, at the commencement of the rail road leading to Jefferson City in Missouri. I passed on till coming to where the ground began to slope to the east, the well-remembered cove of the mining country was before me. I then recollected the many happy days I had formerly seen in this spot, and how I was once delighted when success crowned my labors in the mines, and brought to light the earth's hidden wealth. But

now how changed. In many places, I could discover steam ascending, which I was told proceeded from engines employed in working the mines. Proceeding onward, I could discover the broad valley of the Mississippi, and soon the silver stream was itself in sight, bearing on its crystal current the products of almost every clime.

"I descended into the city among a busy throng—to me strange faces. I went along through streets and alleys which were lined with solid blocks of brick or masonry, where a few years ago was a broad green, smooth, prairie.

"After rambling up and down through the place, I found myself in a spacious public square. In the centre of this area stood a splendid building, embellished with cornices and porticos. On approaching nearer, I heard proclamation, in a stentorian voice—'Hear ye! hear ye! The Legislature of the State of Iowa will now commence its third session!' Strange, thought I, such changes in ten short years. Here in this place I once resided. Then it was a small town, and the surrounding country thinly settled. I was acquainted then with nearly all the people. Now thousands are swarming, even Legislators fulfilling their duties to their constituents in the halls of an independent State Government. Suddenly I awoke: my pleasing vision was dispelled, for I found myself still pressing a straw pallet in my mining cabin."

William W. Corriell purchased the Dubuque Visitor, and being pleased with that euphonious Indian name, changed the name of the paper to that of "The Iowa News." Thus the name became familiar in Congress and was finally adopted for the territory west of the Mississippi.

Having introduced you to a newspaper of the times, we will close this imperfect sketch. We have brought the early unwritten History of Dubuque down to a period when oral tradition may properly cease, and written history begin but some more able pen in future may take up the records of the times and transmit them in a more embellished form to posterity.

LECTURE II

In my previous lecture before this Institute, you may remember that the History of Dubuque was brought down to a period co-eval with the establishment of a news paper, edited by John King Esq. A description of the country as it appeared in 1830, was then given, when the Indians had just abandoned the soil, their ancient homes and the graves of their fathers, to seek an asylum further towards the setting sun in the great plains of the west, and when the pale faces, as if by a right of natural inheritance, took first possession of the vacant lands and deserted mines of Dubuque. A few legendary tales of savage war, and a number of incidents connected with the first white settlements here, some of the trials, difficulties and tragical scenes of border life during a period of six or seven years, were also given from memory. In this sketch I propose to speak of the facts transpiring in our community since that time as they have been retained in memory or preserved on the printed pages of our public journals.

Could I produce the dreamy imagery of a poet's fancy, or the traditionary lore of the savage tribes who once held undisputed sway upon the luxuriant banks of the Father of Waters, and with the power of a Cooper or a Bryant call forth from a brilliant imagination descriptions of scenes of grandeur in nature, or feats of heroic daring among the children of the forest; then I might hope to enlist your attention and interest; but I will endeavor to evoke from the mists of the past such plain facts as have engaged the attention of our citizens as they have grappled with the various obstacles incident to the settlement of a new country.

The population of Dubuque, at the time I shall now speak, was unlike that of most other communities. In fact, it is so up to the present time, being still a mining city. Instead of

being in any degree homogeneous, immigration flowed in from all parts of the earth; every considerable nation of Europe and all the States of our Union, were duly represented. The German liberalism, the New England puritanism and the Celtic nationalism mixed and mingled in all the elements of society. But there is something in the character and habits of pioneers as they co-mingle amidst the grand and inspiring scenery of the west, with mutual interests and sympathies combining, which naturally expands and enlarges the human faculties, though meeting for the first time in distant lands, and from different climes. They soon learn to assimilate and conform to each other in their opinions; for there are a thousand interests and motives uniting to render it necessary for them to support each other in all the trials and scenes of border life. In a new country, like ours, an imperious necessity exists for cultivating the amenities of our social being. So you will find us a heterogeneous mass of seven or eight hundred meeting together on the Fourth day of July, 1836. It was Monday the fifty-ninth of our national Independence, and the birthday of Wisconsin Territory; a day celebrated in Dubuque with great eclat, both on account of the national recollections it gave rise to, and the independent position we should thenceforth enjoy under a separate Territorial organization from Michigan to which we were previously united. So long as the return of that day is duly honored by the American people, so long may we presume that the principles proclaimed seventy-eight years ago in that immortal declaration of Independence will be cherished, and the institutions of our country founded upon them be perpetuated.

It is a beautiful custom thus to come together on every return of this great day, and refresh our recollections, returning heart-felt gratitude to God for the blessings which

His kind providence has permitted this nation to enjoy. Doubly interesting is it to see in the far-off territories of the Union natives from all climes joining with our own citizens in the national jubilee of freedom. The Reverend Mazzuchelli officiated as Chaplain on this occasion, Milo H. Prentice read the declaration, and William W. Corriell delivered the oration. Dr. Stephen Langworthy was appointed President of the day, and Patrick Quigley, J. M. Harrison, Dr. T. Mason, and William C. Jones, Vice Presidents. The newly appointed Governor, Gen. Henry Dodge, was invited to be present, and a public dinner was tendered to him. He had been our leader through two Indian wars, and was now governor of the Territory and superintendent of the various Indian nations in the north-west. His great experience as a frontier man and Indian fighter had pointed him out as a proper man for these responsible stations. Accordingly speeches and patriotism was the order of the day, and at night music and dancing. The Marshals, E. Lockwood and Davis Gililan, were enabled to preserve good order and the celebration was one of deep interest. On the thirteenth of July the corner stone of the first Wisconsin Presbyterian Church was laid. A procession, a hymn and a prayer at the commencement and at the close, an appropriate address, and the deposite of the usual manuscripts in the stone, comprised the whole of the ceremonies. We recollect well, that only a few years before this, Government was engaged in buying the Indian reservations east of the Mississippi and inducing the poor red man to cross the Father of Waters, as the means of securing a certain, safe and permanent retreat from the inroads and encroachments of the whites. There rolled the majestic river, seeming to say to the thin settlements of the pale faces upon its eastern borders—"Thus far only shalt thou come. Betwixt you

and the native race, I place a barrier and a shield. Your swarms shall not cross my bosom to drive them from their ancient hunting grounds. Here have I rolled for ages in silent grandeur, through boundless and unbroken solitudes. But you have found your way to my eastern bank; there build your cities and rear your temples. The God of the red man shall still be worshiped on my western shore." But as well might it be attempted to turn back the same noble stream, and pour it, with all its accumulated strength into the lakes from which it springs, as to stop the march of the white man, with his innovations and improvements. The Mississippi has proved no barrier. He stands proudly on its western banks, and laughs at its impotency. Six or seven years before, perhaps the smoke of an Indian wigwam, curled from the spot on which this house of worship was to be erected. At that time the white man's dwelling was not found where our city now stands, nor indeed in all the delightful country on our side of the great river.

There is something sublime and enobling in the contemplation of the wonderful changes which had been effected in this short space of time. The woodman had reduced the stubborn forest to his will, and with it, built dwellings for his protection and comfort; the plough had upturned the soil of the fertile prairie; the perseverance of the miner had taken him far down among the riches of the earth and all the immense stores of mineral and vegetable wealth with which this favored region, has been supplied, were becoming developed.

Wisconsin, west of the Mississippi, was divided into two counties; Dubuque county, extending below Davenport, with a population of over four thousand, and Des Moines county, the balance of the territory extending to the Missouri State line, containing six or seven thousand. At this time the set-

lements were confined mostly to the vicinity of the river towns. Our village was only partially laid out, and where Dr. Mason's drug store now stands was then up town. The lead business engrossed in its various departments the entire attention of the citizens; a few farms only having been improved. People became slowly convinced that this soil was well adapted to cultivation; believing that this climate was unfavorable to agriculture. It is true that the mining regions in other countries are generally sterile and unproductive. This idea seems to have been associated with this region. People could not realize that over-lying rich mines of ore was spread out a prairie soil of unsurpassed fertility.

The mines of Dubuque differ very much from those in Wisconsin and Illinois. There, they lie near the out-crop of the limestone strata, and the mineral is found often at a slight depth and without much rock excavation; but the veins are generally small, broken and thread-like. Here, on the contrary, the dip being to the south-west, we have to penetrate a hard cap-rock of considerable thickness, varying according to the elevation of the ground. Under this cap-rock the mineral is found in large caverns, either attached to the rocks or embedded in the clay and ocher which fills the crevices below the natural spaces of the caves. The Langworthy lode, exhibited the most astonishing specimens of lead ore ever found, perhaps, in any country. As the work-men, with the owners, penetrated into this cave for the first time, a hollow sound issued from it and the air came freshly from the west, in the direction of the vein. Here, in its primeval solitudes the different gases which probably elaborate the curious ore had circulated from of old, working their own silent wonders. They began to examine the cave for mineral, each man carrying a lamp or candle. Passing along through various windings and nar-

row spaces they suddenly came to one of the subterranean vaults which was completely filled with the shining ore, lighted up and sparkling like diamonds, or lying in great masses or adhering to the sides and roof of the cave in huge cubes. This mine, in its full extent through the Langworthy, Thomas Kelly, and Cardiff grounds, has produced some ten million pounds of mineral.

When the miner sinks a shaft down into one of these mineral caves, he will generally find its course and direction to be with the cardinal points of the compass. The veins of ore, here at Dubuque run, from east to west, though these are often crossed by north and south crevices and sometimes by fissures in other directions through the rocks. Although there may be no mineral within the cave first found, the practiced miner will excavate along one of these cross crevices which are generally about twelve inches wide, by blasting off the sides of the rock to a sufficient capacity to admit a small car to run along through it upon wooden rails with mineral tubs upon it. Thus he will drift or excavate north or south with a view of crossing a vein of lead as it runs from east to west. When successful, he will suddenly strike into a cavern in which the ore is deposited. As the dark and hitherto unexplored cave is lighted up by the rays of a lamp, and the miner beholds for the first time the object of his toil stored away in these subterranean vaults; who can describe the thoughts and feelings that fill mind and breast; perhaps he has passed years in searching for the hidden treasure. Now he has the realization of his fondest hopes. "He has struck a cave," is the cry all over the mines.

Now the smelter is exceedingly obliging and attentive to him; his associates flock together to congratulate the friend so suddenly made rich, for a mine in Dubuque, is a mine indeed.

The lode discovered by our friend Thomas Levin, Esq., was one of the richest and most productive of any, yielding, up to the present time about four million pounds of ore. Besides this, there are the Mc'Kenzie, Bartlett and Stewart lodes, and Karriek mines; all of immense value; together with a great many others which have ranged in value from five to twenty-five thousand dollars. The lead lands will never be entirely exhausted; on the contrary when capital, science and skill are at length embarked to develop them, it will be found that not one half of their richness has yet been ascertained. Mining may not be justly compared to the chance throw of dice, but much depends upon good judgment in the selection of ground to explore, and energy in the prosecution of the work; for it will be seen that as the mineral all lies upon one general level, and runs from east to west, that by crossing the direction of the veins one is sure, with the aid of capital and perseverance, to succeed, at least if in a good mining district.

Some idea may be had of the mining operations in this neighborhood from the fact that there were five blast furnaces, each smelting upon an average about seventy thousand pounds per week; also many log furnaces manufacturing lead to good advantage. During this period, a Lyceum, holding regular weekly meetings, was established at which ladies and gentlemen attended in large numbers, thus showing, early in the settlement of the place, a taste for literature.

The town was governed by a board of five trustees, elected annually; who with a President, made all needful rules and regulations.

Politics began to be the grand staple commodity of the times. To be a good unterrified Jackson Democrat, unchangeable as the leopard's skin, was the best trade, and

rather the surest road to political preferment; but at the same time, to be known as a tried clay whig "dyed in the wool" with the frosts of time circling the brow, was no mean step on the ladder of fame. After a while, however, the Democrats became the dominant party, and to add to their power, it was said that the waters of the Mississippi itself contributed in a most mysterious manner. In the fabled Lethe of the ancients, one had to be completely immersed in its waves, in order to produce forgetfulness, but instances have occurred here, in which men from the older States have become entirely changed in political sentiment just by passing over Mississippi water.

As early as December, 1841, the citizens of Dubuque began to look for a Rail Road connection with the Lakes. A public meeting being called, it was resolved to send a delegation to Madison, in order to secure the co-operation of the Legislature, by the incorporation of a company, and to memorialize Congress for aid in opening a cheap and easy communication between the Mississippi river and Lake Michigan.

Timothy Davis, L. A. Thomas, Edward Langworthy, and General James Wilson were appointed as delegates. A charter was obtained for the incorporation of a company for this object. Previously, a charter was had for a company to construct a Rail Road from Belmont to Dubuque, but owing to the newness of the country, nothing more was done. Now, after many years, by the construction of the Milwaukee and Mississippi Rail Road we hope that this most desirable object will be attained, and the early efforts of our people consummated. In this noble enterprise, the Hon. George W. Jones has ever borne a conspicuous part; and also as a delegate member in the House, and Senator in Congress, he has proved faithful and true to Dubuque.

Previously to this, however, in 1836, John Plumbe, Jr. commenced in person, and at his own cost the survey of a route for a national Rail Road from Lake Michigan to the Pacific, and directed public attention to its importance by several well written articles in the newspapers of the day. Afterwards in 1838, he succeeded through the efforts of General Jones in procuring from Congress an appropriation to defray the expenses of locating the first division of the line; devoting his entire attention, and making constant exertions to promote this great national object. As the most feasible mode of accomplishing the design he proposed that an adequate grant of public lands be made to the road, to consist of alternate sections, to be conveyed no faster than the road progressed; and the remaining sections to be raised to double the present minimum price; a joint stock Company, with shares of ten dollars each to be offered to every man, woman, and child in the United States before more than one share could be taken by any one individual; fifty cents to be paid at the time of subscribing on each share, and the Road to be managed by a Board of Directors, one from each State and Territory of the Union.

Thus was devised, by a citizen of Dubuque, the first grand scheme of a great national highway between the Atlantic and Pacific oceans, and a portion of the road surveyed by Government. It has since been memorialized for by nearly every State in the Union, its advantages fully appreciated by the people, who are all anxious for the great work, as a measure entirely practicable and highly conducive to the general welfare, and the national renown, and still, after eighteen years of delay, we find Congress legislating on the subject of the Pacific Rail Road by bills, motions, and debates, yet really doing nothing. Mr. Asa Whitney, improving on Plumbe's plan, devoted his time and efforts for

years, in urging the subject on the attention of Congress. His plans were approved by seventeen States, and the great mass of the American people; but the Government, deaf to every call of patriotism still refuse to grasp the glittering prize of a world's ambition,—the trade of China, Japan, and the Oriental Islands. The United States might be made the half way station between Europe, and Asia. Over her soil, in a direct line, the commerce of the world might be transported, and within her wide domain, by this wise and judicious policy, might be deposited the riches of every clime. Such enterprises, sustained by men against neglect or opposition, deserve the remembrance that history gives them, and should also make us examine the merits of new inventions or proposed improvements that we may not condemn as useless innovations what may prove of the greatest utility. Pioneer discoverers especially deserve the fame of benefactors to our race.

This reminds us of Marquette, who with his associate Joliet, and five French companions and two Algonquin Indians for guides, when in 1673, they carried their two canoes on their backs across the narrow portage that divides the waters of the great lakes from those of the unexplored region of the great father of waters. They reached the Wisconsin, uttered a short prayer to the immaculate Virgin, they embarked on the stream, the guides having left them, alone in this unknown land in the hands of Providence. France and Christianity stood together in the valley of the Mississippi. The discoverers, as they sailed, went down the river between alternate prairies and hill sides, beholding neither man nor the wonted beasts of the forests; no sound broke the appalling stillness, but the ripple of their canoes and the lowing of the buffalo. In seven days they enter the great river with a joy that could not be expressed

and the two birch bark canoes raising their happy sails under new skies and to unknown breezes.

Floating gently down the calm magnificence of the ocean stream, over the broad clear sand bars, the resort of innumerable water-fowl, gliding past islands that swelled from the bosom of the stream with their tufts of massive thickets, between the wide plains of Illinois and Iowa all garlanded as they were with majestic forests or checkered by island groves and and the open vastness of the prairie! The history of these early adventurers upon the great river of the west has a peculiar interest to the dwellers on our soil as they now look back over the wilderness one hundred and eighty-two years. Where are now those hordes of savage tribes that then held undisputed sway? They have gone, together with the Missionary who first brought the lights of christianity among them. Some indeed still lingered on the western plains and along the streams of the Rocky mountains and among their passes and deep defiles; but even these remnants of once mighty nations are gradually dwindling away.

We must not omit to mention the intrepid La Salle, as one of the early French voyageurs of the order of Jesuits, who completed the discovery of the Mississippi from the Falls of St. Anthony to its mouth. He will be remembered through all time as the father of colonization in the great valley of the West, endeavoring at the same time to convert the savage nations to christianity; but in the vigor of his days he was murdered by his own servants. Thus fell the generous and gifted La Salle who seemed to deserve a better fate. But let us return from this digression to the subject more immediately before us:—The town of Du-buque now began to be permanently improved by the erection of many fine brick buildings. Reading rooms and

Lyceums were established. Stores were opened as high up Main street as where you now see the very appropriate sign of the "Good Samaritan," Doctor Mason's Drug store.

A Thespian society was organized, where were witnessed, if not in all their tragic power, Othello and Macbeth, at least some comedies which would make even a quaker laugh. In fact the gentlemen who managed the entertainments were adepts in the art of pleasing, among whom our friend George L. Nightingale was not the least conspicuous and deserving. The year 1836 passed away, nothing occurring of importance. Mining and smelting were continued with great success. In 1837 Governor Dodge was called to hold a Treaty with the Sioux and Chippewa Indians for the purchase of their lands. The Representatives of the two nations, met the Governor at Fort Snelling in large numbers on the 20th day of July. A great number of speeches were made to the Indians and some of their replies have been preserved. Ma-ghe-ga-bo, dressed in full Indian costume, and highly painted in red, his hair hanging loosely on his shoulders, a coronet of the feathers of the bald eagle placed on his head by the chiefs, and several medals around his neck, advanced toward the Governor with a map before him and pointing to it with his finger, said: "My father, this is the country which is the home of your children. When we first met here we smoked, and shook hands together. Four times we have gone through the same ceremony. I stand here to represent the chiefs of the different bands of my nation, and to tell you that we agree to sell you the land you want.

My father, in all the country we sell you, we wish to hold on to that which gives us life; the streams and lakes where we fish, and the tree from which we make sugar. I have but a few words to say, but they are the words of the chiefs, and very important.

The Being who created us made us naked. He gave you and your people, knowledge and power to live well. Not so with us; we have to cover ourselves with moss and rotten wood, and you must show your generosity towards us. The chiefs will now show you the tree we wish to preserve; here is a branch of it. Every time the leaf falls from it, we will count it as one winter passed. If you offer us money and goods we will take both. You see me count my fingers (counting six.) Every finger counts ten; for so many years we wish you to pay us an annuity, after that, our grand children, who will have grown up, can speak for themselves. My father, take the lands you ask from us. Our chiefs have good hearts. Our women have brought the half-breeds among us. They are poor and we wish them provided for, they and their children. My father, we will hold firmly what you give us, that no body may get it from us. Once more we recommend our half-breeds to your kindness. We wish you to select a place for them, on this river, where they may live, and raise their children, and have their joys in life."

Taking the Governor by the hand, he continued: "I will not let go your hand until I have counted the number of our villages. The Great Spirit first made the earth thin and light, but it has now become heavier.

We do not wish to disappoint you, and our great father beyond the mountains in the object you had in coming here. We therefore grant you the land you want from us." Aish-ke-bo-ko-ke, or the flat mouth, said: "My father, your children are willing to let you have their lands, but wish to reserve the privilege of making sugar from the trees, and taking fish from the lakes and rivers as they have done before, and of remaining in the country. It is hard to give up the land. It will remain and cannot be destroyed. But you may cut the trees and others will grow up.

My father, you know we cannot live deprived of lakes and rivers. There is some game on the land yet and for that we wish to remain. Sometimes we scrape the trees, and eat the bark. The Great Spirit above made all the earth, and causes it to produce that which enables us to live. Yes, the Great Spirit above placed us on this land and we want some benefit from the sale of it. If we can derive none we will not sell it; and we want that benefit ourselves. What I say is the language of the chiefs. I have heard many things said; that we were going to put out the fires of the white man, to send the white traders away. I know nothing about it, and when I speak, it is not with honey in my mouth. My father, your children are rejoiced to see the Agents here to-day, one of whom is to live on Lake Superior and the other on the Mississippi to keep peace in the country. We are pleased that our young men, women, and children may go home with their hearts glad. We will wait to hear what you offer us for our lands and then make you our answer."

The treaty was concluded, by which a large purchase was made, comprising the pine lands of Wisconsin and Minnesota from whence we derive our abundant supplies of lumber.

The year 1838 was marked by a degree of prosperity unequalled by any since the settlement of Dubuque. Farms in the vicinity began to be improved; the mines yielded their richest treasures, immigration continued to swell the population, and the broad Mississippi, bore away on its current more than six million pounds of lead. The Mississippi! Its very name is associated with all our ideas of western grandeur and sublimity. One of its historical recollections will ever be, that somewhere in its winding tide are deposited the bones of Fernando De Soto, its first discoverer.

Here, the Governor of Cuba, the successful associate and compeer of Pizarro, bowed down by disappointment and wasting melancholy, was buried by his faithful followers. Those rough soldiers pronounced his eulogy, while priests chanted over his body the first requiems that were ever heard on the waters of the Mississippi. To conceal his death, his body was wrapped in a mantle, and in the stillness of midnight, as Mr. Bancroft says, was silently sunk in the middle of the stream. The discoverer of the Mississippi slept beneath its waters. No man to this day can tell of his resting place. We know only this, that the mighty stream is at once his monument and sepulcher.

In June the Legislative Assembly of our territory was convened at Burlington. It continued in session until the third day of July, when the act dividing Wisconsin took effect, and we entered into a separate territorial organization. About this time a few wandering and dissipated Winnebago Indians, perhaps two hundred in number, were encamped on the island opposite the town. In the night a few loafers went to the Indian lodges for base purposes. But being resisted by the Indians and squaws, a conflict arose in which one squaw was killed and some of the rowdy white men wounded. The ringleader, a Mr. Singleton, who was supposed to be the one who committed the deed, fled the country, and thus evaded the law and the punishment of his crime. But the Indians were not so easily appeased. They demanded satisfaction for the outrage, and for a long time kept the citizens in great alarm; fearing the vengeance of the Indians whose custom is blood for blood. They were finally appeased by presents and departed on their western way. About this time a young dissolute fellow by the name of Washington Hyde murdered one Patrick Murray by striking him to the heart with a large bowie knife. The

scene took place in Mr. Simplot's grocery store on Main street, in open day light; the parties being both somewhat intoxicated, harsh words passed between them, Hyde drew the knife and in ten seconds, poor Murray was no more. After committing the deed, Hyde fled to the river with the view of crossing the ferry, with the bloody instrument of death still reeking in his hand. He was overtaken, after a desperate resistance, and captured by the infuriated populace. He would have then and there paid the forfeit of his life but for the prompt and timely interference of the officers of the law. His trial came on however, in due time. He was found guilty by the jury, and Judge Wilson pronounced the sentence of death. But before the day of execution, the clemency of Governor Chambers was interposed and his sentence commuted to seven years hard labor in the penitentiary of Fort Madison, and he was subsequently pardoned before the time expired.

Nearly half the lands of Dubuque County having been reserved from sale as mineral lands, one Mr. John Flanagan sought and finally obtained in 1842, an appointment as Superintendent of the lead mines in Wisconsin, Iowa and Illinois. Under his control the obsolete system of leasing the mines to miners and smelters was sought to be revived. But the citizens generally refused to recognize any right on the part of the Government to lease them, and thus endeavor to raise a revenue from the hard earnings of the new settlers. Public meetings were held to memorialize Congress to bring these lands into market the same as other land, but for a long time our efforts were unavailing. The Government agents continued to harrass the people and finally to bring some of the oldest and most favored miners and smelters before the courts of the country as trespassers. But five cents damage being the award of the Jury who tried the

cases, and a heavy bill of costs to Government being the consequence; the lands were finally in 1846, offered at public sale, and by aid of claim societies, secured to the inhabitants.

One case under the old fugitive slave laws occurred, which may be of interest now. It appears that a negro, by the name of Ralph, came to Dubuque from Missouri by consent of his master to work in the mines. After residing here for several years until 1839, his former owner came and claimed him as a slave, alleging that Ralph had not fulfilled an agreement to pay for himself. By precept from a Justice of the Peace, he was delivered to the claimant, who was about taking him on board of a boat, when some of our liberty-loving citizens, not having the fear of being called abolitionists before their eyes, applied to Judge Wilson for a writ of habeas corpus. Judge Wilson referred the case, by consent of parties, to Judge Mason presiding in the Federal District Court, then recently organized for our territory. As it was proved that Ralph came to Dubuque by consent of his master, it was decided that he was entitled to his freedom. A report of this case, in which the Court referred to the Ordinance of 1787 and the act of Congress of 1820, prohibiting slavery north of thirty six degrees thirty minutes may be found in Morris' Reports. It was the first case tried in that court.

There lived in Dubuque, in 1839, a negro by the name of Nathaniel, or Nat, as he was generally called, together with his family, free people of color, and of ordinary good behavior. But it chanced that Nat was suspected of stealing some trifling articles about the house in which he was employed. Col. Paul Cain, James Campton, and some others of our citizens seized upon Nat, and took him out to a secluded place, tied him, and commenced whipping him with

raw hides in order to make him confess the theft, and disclose where the stolen property was secreted. This the negro could not, or would not do. They continued to flog the poor man, first one of them, and then another, while he, all the time was pleading for mercy, and asservating his innocence. Under a mistaken zeal, and with entire ignorance, perhaps, of the injury they were inflicting, or, with reason blinded by prejudice, they actually continued the flogging until fainting ensued; this even they took to be a pretense, until at length the negro became entirely exhausted, and shortly afterwards expired. He was brought back a corpse to his own cabin and left with his children and weeping wife Charlotte. No doubt the men who inflicted this wrong, regretted their rashness and folly when too late. They were tried in our courts for murder, but acquitted on the ground of not intending so great an outrage. But the case furnishes ample proof, if any were wanted, that the story in *Uncle Tom's Cabin* is not all a fiction, that some men consider negroes, oxen, women and mules of like endurance and fit subjects for the cruel master's lash.

In 1843 a most ludicrous affair occurred. A villainous fellow palmed himself upon the people of Buchanan County as the renowned patriot and celebrated hero of the thousand isles, Bill Johnson. This man, with his daughter Miss Kate Johnson, was suspected, it seems, of being any other than the far-famed Canadian patriot, by the citizens of Buchanan County, who thought fit to take Johnson out in the night, tie him to a tree and whip him severely with fifty lashes on his naked back. The offenders were arraigned before Judge Wilson. The court house was crowded by hundreds of eager spectators who listened with intense interest to the proceedings; all anxious to see the

laws of our country administered faithfully. The prisoners names were Evans, Spencer, Parrish, and Rowley, charged with burglary and riot. It appeared that these defendants accompanied by several other white men and five or six Indians after lynching Johnson, ordered him and his daughter to pack up their goods and be off in two hours, and not to return at the peril of their lives. Great sympathy was felt for this Johnson and the two tender females of his household, who were thrown out in the depth of winter and obliged to travel twenty-five miles over a cold and bleak prairie; so cold that it froze one of the lynchers themselves to death, another lost his feet, and several others were severely frozen. The citizens here, declared that Johnson looked as if he was born to command, and betokened in every action that he was the same old Bill Johnson, the hero of the thousand isles, the Canadian patriot, and the great friend of human liberty and republican institutions; while all the young bloods of the town declared that Miss Kate Johnson was a very intelligent and interesting young lady, with rare accomplishments, agreeable manners and the worthy daughter of a gallant sire. The case was conducted on the part of the prosecution by James Crawford, and General James Wilson; on the part of the defense by James Churchman, and J. M. Preston; the counsel on both sides in their speeches were truly eloquent, they were fine efforts of legal talent and so great was the interest taken in this trial that the ladies attended in goodly numbers until a late hour at night, determined to hear all the proceedings and speeches to which the occasion gave rise. Miss Kate Johnson received great attention and unequalled admiration as the celebrated heroine and daughter of the renowned patriot of the thousand isles. The jury after being out a short time returned a verdict of guilty; one was sentenced

to the penitentiary for two years and the others to a fine of two hundred dollars which imprisonment and fines however were afterwards remitted; for lo! and behold! the next thing we hear of the hero of the isles, is that he has grossly imposed himself upon the citizens of the place, he being a different man altogether from the Bill Johnson whom he represented, of a different name and style of character, a great thief and scoundrel. Letters were received showing these facts. The next news received from him by our crest fallen beaux of Dubuque, was that a Mr. Peck, a respectable man in Mahaska county, the place to which the family had removed, fell in love with Johnson's daughter, the heroic Kate, who returned his love. But old Bill would not give his consent to the marriage. So the two turtles fled to an adjoining county where they were united in bonds matrimonial. It was some time before the reputed father knew where his reputed daughter had gone. But as soon as he did, he pursued her and entered the house of Peck with pistol in hand took her away unmolested. But a few days afterward while Johnson was sitting in his own house he was shot through the heart with a rifle ball from between the chinks of the logs. Peck was arrested, but on trial acquitted. The lineage of the heroine was traced back to an obscure family in Ohio, her history and romance closing alike in contempt and infamy.

The young swains, and especially the editorial gallants, who were so greatly enamored with the charms of Miss Katharina Johnson, while in our city often rallied each other afterwards on the subject; and some who appeared from their newspaper eulogies to be the most moon-struck while the romance lasted, and had written the largest amount of very soft poetry on the lovely daughter of the hero of the thousand Isles, were the first to forget the ob-

ject of their adoration. Alas for the fickleness of man's affection and the mutability of his attachments.

In the winter of 1843, the charter of the Miners' Bank was repealed by the Legislature. Thomas Rogers, Esq., had the honor and renown of killing the little giant; thus putting an end to the exciting question which had been continued in regard to this Bank. The institution was chartered by the Legislature of Wisconsin, and might have been useful, if its affairs had been conducted with honest prudence. But from its first existence up to the time of its final overthrow, there seems to have been bad management. There was an alleged violation of its privileges soon after its first organization; afterwards it suspended specie payments; then it fell into the hands of the Illinois State Bank, under the control of Major Mobley, who might have succeeded in making its credit good again, but for the failure of the owners themselves in Illinois, and the consequent interference of the Legislative authority. The case has since been litigated in the courts of the country, and decided against the validity of the charter. Many amusing anecdotes might be given of matters transpiring within the Bank during the first years of its operation, but I forbear.

The Indians on our border settlements, west of Dubuque, committed many depredations during this winter, by stealing and robbing. They also murdered Mr. Tegardner and his partner Mr. Atwood, and severely wounded a son of the former. This was done at night, at their trading-house which was set on fire, and with the bodies of the dead men, was consumed. Three Indians charged with the crime were captured, and remained in our jail a long time before their trial. Wah-con-chaw-kaw (big Indian,) was convicted and sentenced to imprisonment for life. Haw-ka-he-kaw was killed by the former in the jail, the only reason given by the

self-appointed executioner being that "so great a liar ought not to live." The third, by the name of George, was acquitted. It is a singular fact that several Indians who escaped from our jail, voluntarily returned, probably, because they had been given up as criminals and outlaws by their native tribes.

On Christmas Day, 1843, Mrs. Butterworth, aged one hundred and seventeen years attended the Catholic Church, accompanied by the Mayor of the city as a mark of respect to her. She seemed remarkably active and conversed upon the events which transpired more than a hundred years before, in her native land. She remembered distinctly the battle of Culloden, and the time when the Pretender escaped into Ireland for a refuge from his pursuers. A few years before, she danced quite briskly at the wedding of her son, in the green old age of more than a century. This is a remarkable case of longevity, the full period of her life reaching to one hundred and twenty years.

At this time a young man by the name of Asa Downs, who had improved a farm near where Matthew Mc'Nair's diggings are, had prepared to make a visit to his parents in his native place, in the State of New York, and had by hard work and strict economy accumulated money sufficient for the expense of the journey. A day was fixed upon to leave, he disappeared from the community, but after some time letters were received from his friends in New York, stating that he had not arrived, and asking also for information concerning him. This led to the suspicion that he had been murdered by the man whom he left in charge of his house and farm, which undoubtedly was the case, no trace of him having ever since been found. Diligent search was made about the premises by Sheriff Stewart, and the suspected man examined, but no satisfactory information was obtained.

In 1841, [1839] our beligerent governor, Robert Lucas, became embroiled in a desperate affair with the Governor of Missouri, about the jurisdiction of their respective powers, and as our old Ohio war-horse could brook no curb or rule incompatible with the dignity of Iowa, he called upon the militia by a proclamation something like the grand eloquent appeals made to the people of New Amsterdam by the renowned Sir Wouter Van Twiller, of Knickerbocker notoriety, and partaking somewhat of the character of another Dutch Governor, Peter Stuyvesant, surnamed Peter the Headstrong, with his sturdy trumpeter Anthony Van Corlear. In the language of another "Like as a war worn charger, while sporting in peaceful plains, if by chance he hears the strains of martial music, pricks up his ears, and snorts, and paws, and kindles at the sound, so did the heroic soul of the testy governor joy to hear the clangor of the trumpet. There was nothing in all the world that more rejoiced his heart than to hear the pleasant sound of war, and see the soldiers brandish forth their steel weapons." So our governor on all proper occasions delighted to rejoice the people with warlike melody, thereby keeping alive a noble and martial spirit.

As I said, the old Governor put forth a call upon all the hardy sons of Iowa with their brave Generals and leading men, to muster and march to the border. The Missourians had invaded our rights, trampled upon our laws, and disturbed our hitherto undisputed jurisdiction over all the soil to Mason and Dixon's line. Brigadier General Warner Lewis, the chief officer in command of the military forces of Dubuque, together with Col. Paul Cain, second in rank, Major David Slater and Captain George Shannon were not slow to obey the summons to the field of honor. They, as well as the inferior officers, soon aroused the martial ardor

of the militia, who instantly flocked under the standard of their country. Here they were drilled, marched, and counter-marched until their evolutions became complete. Armed with pickaxes, guns, fence stakes, and shovels, they could not fail to make an imposing show. The officers on horse back in full uniform, galloped along the lines cheering and animating their men for the coming encounters, while their orders were given with that coolness and precision which marks the truly heroic soul when about to try the fortunes of war; the soldiers in the mean time obeying with alacrity, and ready at a moment's call to march to the field of fame. Fair ladies lent their most bewitching smiles, and when the advance moved forward under the General-in-Chief, composed of a captain, an orderly and one private by the name of James Churchman, they waved their handkerchiefs from many a balcony in our proud city, and the whole community with one accord, cheered them onward, and offered up fervent ejaculations that they might return victorious from the war, that their names might be covered with renown, and that the fame and honor of young Iowa might be triumphantly vindicated. The army reached the lines in safety, after tiresome marches, when entering a grocery upon the disputed territory he met the opposing host, a great raw-boned, long-armed Missourian in the middle of the floor, and demanded at once a treat of whiskey, or an unconditional surrender in the name of Iowa, which just and equitable terms being refused, forthwith our gallant army pitched into the ranks of the enemy with headlong impetuosity. The charge was so vigorous, and he was so well supported with arms and whiskey ammunition, conveyed plentifully to the field of action, that the enemy after a desperate resistance gave way;

They tug, they strain, down, down they go,
The "Puke" above, "our James" below.

Both armies tumbled to the ground; but the forces of Iowa recovering, at length, succeeded in turning the flank of the enemy, when the rout became general, and the victory complete. Peace soon followed this decisive engagement, and like most wars of the world, the affairs of the two belligerent powers remained just as they were before the war began. For further particulars concerning this memorable campaign I refer you to my learned friend, Dr. Timothy Mason, who published a full account of this first and only military campaign ordered by any of the Governors of Iowa. If I only had this celebrated work I would delight to give the story in his own eloquent and beautiful style. But this work is lost I presume, at least there is no records to be found in our city history.

In 1846, the war with Mexico having been commenced by our government, the volunteer forces of Iowa were called upon by their respective officers. Dubuque, as well as most other portions of the State, offered her full share of citizen soldiery, and the whole country was warmed up with an unusual glow of patriotism. Two fine companies of men, here, held themselves ready upon the call of their country, to march to the plains of Mexico. News had reached us of the brilliant exploits of the American army at Palo Alto and Resaca De La Palma, and our soldiers waited with eagerness for the summons.

On the fourth day of July, the usual celebration was had, and the ladies of Dubuque having prepared beautiful banners, presented them to the military companies who formed for the occasion. One banner was presented to the "Guards," by Miss Rachel Coriell who delivered a beautiful address; another flag was presented to the "Rangers" by Mrs. Glenat, accompanied by remarks equally appropriate. Eloquent responses were made by Col. Thomas H.

Benton, Jr., in behalf of the Guards, and by Captain Dougherty on the part of the Rangers. The editorial comments in the newspaper of the time, indicated correctly the interest manifested on the occasion.

We have omitted many interesting details of events, which are now among the things that were; for in the compass of only two lectures, it is impossible to recite them without encroaching on other themes. We have seen Dubuque as it was at first, with no white settlers upon our soil, at the time when the aboriginal inhabitants gave way before the invading force Anglo-Saxon enterprise, and leaving behind them only a few rude memorials of their race and history. We have traced the progress of our settlement down to a time when our city may justly take its place among the first of western cities, with a population of nine or ten thousand thronging its streets. Our prosperity seems to point to a glorious future. Our progress has been steady, and the importance of our location is now settled beyond a question. Some future historian will collect the facts we have referred to, notice our progress in the present, and record the history of Dubuque as a part of our national greatness. Perhaps some of our legends will be sung in poetic lays, and help to swell the anthems of a nation's melody.

In relation to our commerce and institutions we have not time to give statistics; it is sufficient to say, that, with a rapidly increasing population our city possesses all the main elements of civilization and refinement. The fact, that eleven churches and a number of schools, besides literary and scientific societies, are sustained by our citizens, indicates we can already offer to immigrants the advantages of older cities, and that we have all the social and intellectual resources of the Atlantic States. Let us, then,

feel a pride in building up our Literary institutions. Let us lay their foundation broad and deep in the affections of our people, that Dubuque may become as justly celebrated for her seminaries of learning, as for her mineral wealth; and by diffusing the riches of knowledge, and the light of science become the very Athens of the West. Yes, Ladies and Gentlemen, let us foster every means of culture for our youth, as the richest gift we can bestow on them now, or the dearest legacy we can leave them. Who knows but the embryo blossoms of genius equal to those distinguishing the names of Mrs. Hemans, or Mrs. Stowe may not now be expanding within the walls of that beautiful edifice, the Female College of Dubuque; or who can tell whether there may not be lads now pursuing studies under the guardian care of learned professors in Alexander College, and whose future career may reflect honor upon their native city, and even fame upon our nation. Let us cherish the educational interests of our city, and remember that good schools are inseparably connected with our civil and religious liberty. We shall thus leave in the means of culture of the head and the heart, living monuments to perpetuate our memory, of greater value than our mines of ore, more enduring than the bluffs that surround us, and which, in the history of the future, will make Dubuque remain the pride of the Mississippi valley.

SOME PUBLICATIONS

The Last American Frontier. By FREDERIC LOGAN PAXSON. New York: The Macmillan Company. 1910. Pp. xi, 402. Portraits, plates, maps.

Some twenty years ago it was Mr. Roosevelt who wrote: "The men who have shared in the fast vanishing frontier life of the present feel a peculiar sympathy with the already long-vanished frontier life of the past." While "The Winning of the West" is chiefly an account of the westward expansion of English-speaking people from the Atlantic Ocean to the Mississippi River, including also the purchase of Louisiana, it indicates the manner in which the history of the immigrant advance to the Pacific should be handled. Professor Paxson has undertaken to tell the story of this westward movement from the year 1821 when the center had reached the great bend of the Missouri River, while the wings barely touched the Great Lakes and New Orleans, until 1885 when the tide of immigrant pioneers can be said to have obliterated the last frontier signs in the empty places of our huge trans-Mississippi domain.

With regard to the influence of the frontier, that "irregular, imaginary line which separated the farm lands and the unused West," the author declares that it "has been the strongest single factor in American history, exerting its power from the first days of the earliest settlements down to the last years of the nineteenth century." And no other force "has been continuous in its influence throughout four centuries."

In the early pioneer conquest of America water highways played the most important part, but when the bend of the Missouri River was reached, water transportation and travel became impracticable — from that point the way was obstructed by the difficulty of the overland route, the danger from Indians, and "a great and erroneous belief in the existence of a sandy desert." How these obstruc-

tions were gradually worn away by streams of immigrants is the general scope of Professor Paxson's book. Accordingly, considerable space is devoted to an account of how the Indian frontier receded through *Iowa and the New Northwest*, and of how several decades later the Indian tribes becoming more tightly clamped in the vise were roused to a series of hostilities against the whites

The story of the Santa Fé trail as a route of commerce and of the Oregon trail as a route of conquest, leading to the establishment of the first clear American title on the Pacific, is very readable, as are also the chapters on Utah, produced by the Mormon religion; California called into life by the lust for gold; eastern Kansas founded by politics; and *Pike's Peak or Bust*, the second of a series of mining episodes which revealed the nature of many of our western States. Attention is also devoted to routes of the Overland Mail, and railroad surveys, and the book concludes with a chapter on *Letting in the Population*.

A note of several pages on sources is appended by the author for the benefit of scholars, though the book is primarily intended for the general reader. It has been the reviewer's experience as a general reader that foot-notes seldom detract from the interest of history. Although the author has undoubtedly exercised the utmost care in making this a scholarly piece of work drawn from various widely-scattered sources, he might perhaps have boiled down several chapters on Indians to make room for foot-note citations of authority, and he might also have added to the human interest of his story by including much on the social life of the frontier, thus gratifying the tastes of all sorts and conditions of readers. However, Professor Paxson has promised the critical and capricious scholar "to exploit in a larger and more elaborate form the mass of detailed information upon which this sketch is based." The importance of western history is gaining recognition year by year and the author justly gives most of the credit to Professor Frederick J. Turner.

J. VAN DER ZEE

The Spanish Régime in Missouri. Edited by LOUIS HOUEK. Chicago: R. R. Donnelly & Sons Company. 1909. Vols. II, pp. xxv, 414; vii, 460. Portraits, plates.

In these two volumes Mr. Houek edits one hundred and twenty-eight documents relating to the Spanish Régime in Upper Louisiana, with particular reference to the country within the present limits of Missouri. He explains in a preface that the transcripts were made for him to aid in the preparation of his recent history of Missouri (published in three volumes in 1908). They are now published "in order to give those who may desire to know the details of this interesting period of the early history of the State an opportunity to examine the same."

The manuscripts, with a few exceptions, were transcribed for the editor at the General Archives of the Indies at Seville, Spain. A very large number of them were found in the chaotic mass of material transferred from the island of Cuba to the depository at Seville.

Mr. Houek does not of course pretend to present all the Spanish material relative to the history of Missouri. He gives only two or three manuscripts from the Archives of Simancas and none from the National Archives at Madrid, although in both of these depositories there is much that concerns Missouri and Upper Louisiana. The task he has accomplished is one of considerable proportions and the publication of these gleanings from the Archives at Seville (which are by far the most important in Spain as far as the Mississippi Valley is concerned) entitles him to the gratitude of all who are interested in Western history.

The documents consist of letters, reports, petitions, instructions, and like papers passing between the Spanish colony of Louisiana and the home government and between the various colonial officers. They are arranged chronologically and cover in general the years 1767-1803. The material is illuminating and of the greatest value. A number of excellent reproductions of maps, plans of forts, and portraits are given.

The editorial presentation might have been improved in some

respects. It would have been desirable, even if it did double the size of the work, to have given the original text of the manuscripts as well as the English translation. The originals are usually in Spanish, but sometimes in French. The footnotes, in the absence of the original itself, should in each case give this information. Upon biographical matters and in the general elucidation of the manuscripts, the footnotes are excellent.

The editor has in the main given very satisfactory references to the location of the documents. Citation of any kind is lacking in a few cases, but the particule section and legajo are generally given where that is possible. In the case of the Cuban papers it is impossible owing to the fact that the Spanish officials have not yet been able to classify the material.

A ten page introduction gives a brief summary of the Spanish period. In the opening sentence of this introduction Mr. Houck makes the curious statement that France ceded Canada to England in 1762. It seems quite inconceivable that he should not know such fundamental dates as those of the Treaty of Paris of 1763, by which France gave up her American claims to England, and the Treaty of Fontainebleau of 1762, by which France secretly gave Louisiana to Spain. One would naturally ascribe it to a typographical error were it not for the fact that in his *History of Missouri* (Volume I, pages 286 and 287) he speaks of the "treaty of Paris of 1762, by which the country east of the Mississippi was ceded to England", and gives for the date of the Treaty of Fontainebleau, December 3, 1762, instead of November 3, 1762. He also speaks in the introduction of the well known trader, Andrew Todd, but designates him as David Todd, evidently confusing him for a moment with Judge David Todd, prominent in Missouri a quarter of a century later.

In each volume is given a table of contents indicating in general the date and contents of each document, and an index of forty-five pages completes the work.

It is difficult to estimate the value of the material Mr. Houck has here presented. So few published transcripts of foreign sources on Mississippi Valley history exist that such an extensive addition is

very welcome indeed, and the editor justly merits a great deal of credit for rendering this service to the historical interests of the Middle West.

JOHN CARL PARISH

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

AMERICANA

GENERAL AND MISCELLANEOUS

The League of American Municipalities has published *The Book of American Municipalities* for 1909.

George Armstrong Wauchope is the author of a four hundred page volume on *The Writers of South Carolina*.

The flood of Lincoln books continues. J. T. Hobson is the author of a volume entitled *Footprints of Abraham Lincoln*.

A History of the United States, by S. E. Forman, is an addition to the school histories. The Century Company are the publishers.

Among the recent publications of the American Book Company is a volume by J. W. Garner entitled *Introduction to Political Science*.

Butler and his Cavalry in the War of Secession, by U. R. Brooks, is a volume published by The State Company of Columbia, South Carolina.

A volume containing the *Records of Officers and Men of New Jersey in Wars, 1791-1815*, has been printed by authority of the legislature.

An article of western interest in the July number of *The American Catholic Historical Researches* is one entitled *Where is P. Rene Menard's Grave?* by J. J. Holzknecht.

Philanthropy and Public Opinion is the title of a pamphlet containing a statement by the editor of *The Survey* in behalf of the Charities Publication Committee, describing the work accomplished during the past year. There are also portraits of prominent social workers.

A pamphlet published by the International School of Peace contains an address by the late Justice David J. Brewer on *The Mission of the United States in the Cause of Peace*.

Ferdinand Schmitter is the writer of a monograph on the *Upper Yukon Native Customs and Folk-Lore*, which appears in a recent number of the *Smithsonian Miscellaneous Collections*.

The *Statistical Abstract of the United States* for 1909 has been issued by the Department of Commerce and Labor. As usual, this volume contains a great mass of valuable information.

The Macmillan Company has published a volume on the *Social and Political Conditions in the North During the Civil War*, by E. D. Fite, a volume which touches a field hitherto much neglected.

The Year Book of The Pennsylvania Society, 1910, contains the proceedings, reports and addresses of the Society for the year 1909. A number of portraits and illustrations add interest to the volume.

In March the Sturgis and Walton Company issued a two volume work by George Cary Eggleston, entitled *The History of the Confederate War*. Thus there is added another name for the war of 1861-1865.

Articles of historical interest in the May number of the *Journal of the United States Cavalry Association* are: *Kilpatrick's Raid Around Atlanta*, by W. L. Curry; and *The Outbreak of September, 1879*, by H. W. Spooner.

John Rose Ficklen is the author of a monograph on the *History of Reconstruction in Louisiana (Through 1868)*, which appears in a recent number of the *Johns Hopkins University Studies in Historical and Political Science*.

The Taxation of Land Values: A Proposal for Economic and Social Reform is the title of a pamphlet distributed by the Joseph Fels Fund of America. In substance it is an argument for the adoption of the reform advocated by Henry George.

In a volume on *Latter-Day Problems* (Charles Scribner's Sons) J. Laurence Laughlin deals with such subjects as labor unions,

socialism, charity work and social settlements, large fortunes, the valuation of railways, and problems connected with banking.

In February the Maryland Peace Society issued the first number of a periodical to be known as the *Maryland Quarterly*. This number contains a discussion of *Judicial Proceedings as a Substitute for War or International Self-Redress*, by James Brown Scott.

Albert Bushnell Hart is the author of a volume entitled *The Southern South* which has been published by D. Appleton and Company. The volume deals in a thorough and scholarly manner with the various social, economic, political, and moral problems which confront the Southland to-day.

Our Slavic Fellow Citizens is the title of a volume by Emily Greene Balch, recently published by the Charities Publication Committee of New York City. Much of the material included in this excellent volume was published in a series of articles in *Charities and the Commons* in 1906 and 1907.

The articles in *The Grafton Magazine of History and Genealogy* are: *Poncet Stelle, Sieur de Lorieres, a Huguenot, and Some of his New Jersey Descendants*, by Ora Eugene Monnette; *The New Genealogy*, by Charles Knowles Bolton; and *The New York Loyalists in Nova Scotia*, by Arthur Wentworth Hamilton Eaton.

Prohibition: Its Relation to Temperance, Good Morals and Sound Government is the title of a volume compiled by Joseph Debar. It consists of an unprejudiced selection from the writings and speeches of men and women who have studied the question from the standpoint of both theory and practice.

The *Monthly List of State Publications* issued by the Division of Documents in the Library of Congress proves valuable for purposes of reference. Whatever omissions may be noticed from time to time are doubtless due to lack of coöperation on the part of State authorities and institutions.

D. Appleton and Company have announced the preparation of a work which promises to be of great value for reference, namely, a

Cyclopaedia of American Government. Andrew C. McLaughlin and Albert Bushnell Hart have editorial supervision of this work which will probably appear in three volumes in 1912.

The Charities Publication Committee has announced a six volume work embodying the results of *The Pittsburgh Survey*, edited by Paul Underwood Kellogg. Various social workers will have charge of the separate volumes each of which will be on a special subject. Two volumes are now ready for distribution.

Law Book Making from a Law Librarian's Standpoint is the title of a paper read before the American Association of Law Libraries in 1909, by A. J. Small of the State Law Library at Des Moines, Iowa. The paper has been reprinted from the October number of the *Index to Legal Periodicals and Law Library Journal*.

A Genealogical History of the Dupuy Family, by Charles Meredith Dupuy and his son Herbert Dupuy, is one of the handsomest of the recent additions to genealogical literature. It is a large quarto volume, printed on excellent paper and attractively bound. The volume abounds in charts, portraits and illustrations.

Among the articles in the May number of *The American Journal of Sociology* are: *The Social Marking System*, by Franklin H. Giddings; *Outline of a Theory of Social Motives*, by James M. Williams; *Influence of Superstition on the Evolution of Property Rights*, by Hutton Webster; and *Notes on the Recent Census of Religious Bodies*, by George A. Coe.

The Annual Magazine Subject-Index, 1909, compiled by Frederick W. Faxon, and published by The Boston Book Company, like its predecessors, is a valuable aid to the student since it opens up a field of literature not included in the other indexes. Historical periodicals, as before, occupy a prominent place. The volume this year also includes *The Dramatic Index for 1909*.

Adelaide R. Hasse contributes a note on the proceedings of *The Southern Convention of 1850* in the April number of the *Bulletin of the New York Public Library*. Here also may be found a continuation of a *List of Works Relating to the Near Eastern Question*

and the Balkan States, which is concluded in the May number. In the June number there begins a *List of Works Relating to British Genealogy and Local History*.

The following pamphlets have been issued by the American Association for International Conciliation during April, May, and June: *The United States and Germany*, by Karl von Lewinski; *The United States and Mexico*, by James Douglas; *The International Duty of the United States and Great Britain*, by Edwin D. Mead; and the *Opening Address at the Lake Mohonk Conference on International Arbitration*, by Nicholas Murray Butler.

Sources of American Railway Freight Traffic is the title of an article by Emory R. Johnson which appears in the *Bulletin of the American Geographical Society* for April. *The Caverns and People of Northern Yucatan*, by Leon J. Cole; and *The Development of Commercial Centers*, by J. Russell Smith, are articles in the May number. A brief discussion of *The New Boundary Between Bolivia and Peru*, together with an excellent map, is presented in the June number.

The May number of *The Yale Review* opens with a number of tributes to the late William Graham Sumner. Then follows the second installment of Maurice H. Robinson's study of *The Holding Corporation*. Other articles are: *Victorian Wages Boards and the New Zealand Conciliation-Arbitration Act*, by Paul Kennaday; *Legal Limitations Upon Interference with the Contract Rights of a Competitor*, by Mason Trowbridge; and *Some Immigration Differences*, by Henry Pratt Fairchild.

The South Atlantic Quarterly for April contains a good variety of excellent articles, among which may be mentioned: *The South in National Politics*, by William Garrott Brown; *Science in its Relation to the Industrial Development of the South*, by Lewis W. Parker; *Ex-Slave Pension Frauds*, by Walter L. Fleming; *The German Element in the Settlement of the South*, by William H. Wannamaker; and *The Antecedents of the North Carolina Convention of 1835*, by William K. Boyd.

Elfrida Everhart is the author of *A Handbook of United States Public Documents* which has been brought out by The H. W. Wilson Company of Minneapolis. The various government publications from the days of the Continental Congress down to the present are classified and described in such a way as to give the investigator a clue to the material which these publications contain. It is a volume which will prove very useful for purposes of reference.

Stocks and the Stock Market is the general subject of discussion in *The Annals of the American Academy of Political and Social Science* for May. Among the articles are: *The Scope and Functions of the Stock Market*, by S. S. Huebner; *Stocks and their Features—Division and Classification*, by John Adams; *Preferred Stocks as Investments*, by John Moody; *The Sources of Market News*, by Roger W. Babson; and *The Wrongs and Opportunities in Mining Investments*, by Francis C. Nicholas.

Wesley Newcomb Hohfeld writes on *The Individual Liability of Stockholders and the Conflict of Laws* in the April number of the *Columbia Law Review*, and the discussion is continued in the June number. Articles in the May number are: *The Income Tax Amendment*, by Dwight W. Morrow; *The Fifteenth Amendment*, by William C. Coleman; and *Street Railways and the Inter-state Commerce Act*, by Borden D. Whiting. In the June number may also be found a discussion of *Public Control of Irrigation*, by Samuel C. Wiel.

Irene Osgood presents *A Review of Labor Legislation in the United States for the Year 1909* in the May number of *The American Political Science Review*. Roland P. Falkner writes on *Citizenship for the Porto Ricans*; and another article is one by Edward Porritt on *Recent and Pending Constitutional Changes in England*. The *Notes on Current Legislation* in this number are conducted by Horace E. Flack. Among the *News and Notes* is an outline sketch of *Cleveland's Street Railway Settlement*, by T. L. Sidlo.

The Home-Coming of Roosevelt is the title of an article by Walter Wellman in the May number of *The American Review of Re-*

views. E. Dana Durand tells of *Taking the Census of 1910*; while *The Doom of the Old "Machine" Convention*, by Robert S. Binkerd; and *The Burden of Waste in Public Expenditure*, by Myron T. Herrick, are other articles. *The Coming Crisis in China*, by Adachi Kinnosuki; and *Irrigation Securities and the Investor*, by E. G. Hopson, are among the articles in the July number.

In addition to the usual reports the *Sixth Annual Report of the Library Board of the Virginia State Library, 1908-1909*, contains a special report of the Department of Archives and History which consists of a study of the *Separation of Church and State in Virginia*, by H. J. Eckenrode. This monograph covers one hundred and sixty-four pages, and gives evidence of careful and critical preparation. There is also *A Trial Bibliography of Colonial Virginia (1754-1776)*, which is presented as a special report of the Department of Bibliography under the direction of William Clayton-Torrence.

The Quarterly Journal of Economics for May is filled with articles on live topics, among which may be mentioned: *The Separation of State and Local Revenues*, by Charles J. Bullock; *The Subjective Element in the First Principles of Taxation*, by F. Y. Edgeworth; and *Present Work and Present Wages*, by J. G. Thompson. Under the heading of *Notes and Memoranda* may be found a number of brief articles. Edward W. Bemis tells of *The Cleveland Street Railway Settlement*; C. H. Parker discusses *The Decline in Trade Union Membership*; and Henry Davis Bushnell describes *An American Experiment in Workmen's Insurance*.

Under the heading, *First Authoritative Investigation of "Oldest Native Document in America"*, Hjalmar Rued Holand tells the story of the famous Kensington Runestone, in the April number of *The Journal of American History*. Walter L. Fleming contributes an interesting discussion of *Historic Attempts to Solve the Race Problem in America by Deportation*. George Thomas Surface presents some *Investigations into the Character of Jefferson as a Scientist*. In an article entitled *Adventures of a Merchant-Tradesman on the American Continent* there are related some incidents

in the career of William Pepperrell, by one of his descendants, William Salter of Burlington, Iowa. A number of other articles may be found, as well as many portraits and illustrations which, as usual, form an important part of the contents of the *Journal*.

The *Journal of the American Institute of Criminal Law and Criminology* is a new bi-monthly periodical which made its initial appearance in May. Professor James W. Garner of the University of Illinois is the Editor-in-Chief, and with him are associated a number of eminent lawyers and teachers of criminal law. Among the articles in this number are: *Anglo-American Philosophies of Penal Law*, by Thomas Hill Green; *A Plan for the Reorganization of Criminal Statistics in the United States*, by Louis N. Robinson; *The Cost of Crime*, by Warren F. Spalding; and *The Bill to Establish a Criminology Laboratory at Washington*, by Edward Lindsey.

Under the heading, *Our Nation's Biggest Bargain*, Warriek James Price writes the story of the Alaska Purchase in the April number of *Americana*. Elizabeth L. Stocking tells some interesting *Legends of Grosse Pointe*; and there is a second installment of Viscount de Fronsac's discussion of *Rights Belonging to the Aryan and Seignorial Order of the Empire of Canada*. An article of particular interest to Iowans is one by Edmund Frederick Steele Joy, on *Major General Frederick Steele and Staff*. General Steele, by reason of his military connections, was identified with Iowa more than with any other State in the Union; and the list of his staff officers contains the names of many Iowa men. Among the contributions in the May number are: *Mr. Moffat and the Moffat Road*, by Lelia M. Tinsley; and *Spectacular Features of Indian Camp Life in the Northwest*, by Lotta Allen Meacham.

WESTERN

A pamphlet containing a *History of Kensal* (North Dakota) is a western item, by William Snape.

Political Reform in Wisconsin is the title of a recent volume by Emanuel S. Philipp and Edgar T. Wheelock.

Traffic History of the Mississippi River System, by Frank H. Dixon, is a publication of the National Waterways Commission.

In the number of *The University of Colorado Studies* published in March there is an optimistic discussion of *The Declining Birth-rate*, by John Burton Phillips.

A new western historical publication has appeared under the name of the *Utah Genealogical and Historical Magazine*. The first number was issued in January.

In the *Bulletin of the Indiana State Library* for March there is a *Bibliography of Indiana Local History Contained in County Histories, Atlases, and Collected Biographies*.

In the June number of the bulletin issued by the Minnesota Public Library Commission there is an article on the *Duty of the Public Library for the Preservation of Local History*, by Warren Upham.

A revised and enlarged edition of Peter J. Hamilton's *Colonial Mobile* has recently appeared. The new material to be found in this edition will be very welcome to students of the early history of the lower Mississippi Valley.

The January number of *The University Studies* published by the University of Illinois contains an historical discussion of *The Arts Course at Medieval Universities with Special References to Grammar and Rhetoric*, by Louis John Paetow.

The Dawn of the World: Myths and Wierd Tales Told by the Mewan Indians of California, collected and edited by C. Hart Merriam, is an attractive publication by The Arthur H. Clark Company. A number of illustrations, some of them in several colors, add charm to the volume.

Two numbers of the *University of California Publications in American Archaeology and Ethnology* published in March and April contain the following monographs respectively: *The Religious Practices of the Diegueno Indians*, by T. T. Waterman; and *The Ellis Landing Shellmound*, by N. C. Nelson.

Among the contents of the April number of *The University of California Chronicle* may be mentioned an address on *The Spirit of the State Universities*, by Henry Smith Pritchett; and a number of articles *In Memoriam: Willard Bradley Rising*.

Volume five, part one, of the *Anthropological Papers of the American Museum of Natural History* consists of a monograph on the *Material Culture of the Blackfoot Indians*, by Clark Wissler. A large number of illustrations and diagrams add to the clearness and value of this monograph.

IOWANA

Paul F. Peck is the writer of a sketch of *Grinnell College*, which appears in the April number of *Midland Schools*.

In the April number of *The Grinnell Review* there are some *Reminiscences of Early Days in Grinnell*, by Georgiana Reed Demarest.

Blanche Spinney-Rasmussen is the writer of an article on *Prominent Iowans in New York*, which is printed in the June number of *The Midwestern*.

In the April number of *The Old Continental* there is a biographical sketch of Wesley Johnson Banks of Centerville, Iowa, whose father fought under Baron Steuben in the Revolutionary War.

The Proceedings of the Fifty-fifth Annual Session of the Iowa State Teachers Association contains the papers and addresses presented at the meeting in Des Moines, November 4-6, 1909.

Minnewaukon (Spirit Lake) and its Legend is a profusely illustrated booklet evidently intended for advertising purposes, but which, nevertheless, contains some historical facts regarding an interesting region in northern Iowa.

The May number of *Midland Municipalities* contains a continuation of the *Minutes of the First Annual Meeting of the League of Nebraska Municipalities*; an address by Don L. Love, entitled *Should the Commissioners Under A Commission Form of Government Serve Without Pay?*; and an article by T. J. Phillipps on the

Commission Plan of Government. In the June number there is an address on the *Control of Public Utilities*, by C. H. Van Law; and an article on *Municipal Control of Street Trees*, by A. T. Erwin.

The Early Evolution of the Locomotive, by Frederick M. Smith, is the opening article in the May number of *Autumn Leaves*. A. A. Reams writes on *Exploring Iowa Mounds* and there is an article on *Aztec Relics in the National Museum of Mexico*. In the June number there is a *Biographical Sketch of Elder Hubert Case of the First Quorum of Seventy*, by James E. Yates.

The Constitutional Law of Masonry is an article by A. G. Pitts, begun in the March number of *The American Freemason* and continued in the April number, in which may also be found Thomas P. C. Barnard's article on *Masonic Symbols, their Meanings and Probable Origins*. Paul Kreuz-Pointner writes on *The Freemasonry of the German Guilds* in the May number.

Volume eleven of the *Bulletin of Iowa Institutions* contains the reports of the quarterly conferences of the chief executives of the State institutions with the Board of Control, and a number of papers of value to workers in charitable and correctional institutions. An article of historical interest is one by Eloise Wilson on *The Pioneer Superintendents of Institutions for Feeble-Minded Children*.

Duplicity Exposed, by Heman C. Smith; and *All Brighamite Roads Lead to Polygamy*, by Elbert A. Smith, are pamphlets issued by the Herald Publishing House at Lamoni, Iowa. The former is a refutation of certain pamphlets distributed by the Northern States Mission of the Utah church; while the latter deals with other tracts emanating from the same source, especially one advocating polygamy.

The April number of the *Journal of History* published by the Reorganized Church of Jesus Christ of Latter Day Saints at Lamoni opens with a map and a brief description of the original city of Nauvoo. Then follow some reminiscences by Joseph Smith entitled *What Do I Remember of Nauvoo?* A description of *The*

Nauvoo Temple is written by Heman C. Smith, as are also articles on *Nauvoo House*, and *The Assassination of Joseph and Hyrum Smith*. Other articles are: *Two Widows of the Brick Row*, by Vida E. Smith; *A Visit to Historic Places*, by John C. Grainger; and *The Icarian Community at Nauvoo*, by Inez Smith.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Adams, Ephraim Douglass,

British Interests and Activities in Texas, 1838-1846. Baltimore: Johns Hopkins University. 1910.

Burrell, Howard A.,

History of Washington County, Iowa. Chicago: The S. J. Clarke Publishing Co. 1909.

Butler, Ellis Parker,

The Water Goats and Other Troubles. New York: Doubleday, Page & Co. 1910.

Church, Daniel Webster,

An Interview. Chicago: Berlin Carey Co. 1910.

Cloyd, David E.,

Religious Education, the Social Teachings of Jesus. Des Moines: Education Publishing Co. 1910.

Colgrove, Chauncey P.,

The Teacher and the School. New York: Charles Scribner's Sons. 1910.

Corkey, Alexander,

The Truth About Ireland. Oskaloosa: Shockley Bros. & Cook. 1910.

Downey, E. H.,

History of Labor Legislation in Iowa. Iowa City: The State Historical Society of Iowa. 1910.

Dungan, David Roberts,

Outline Studies in the Life of Christ. Des Moines: Published by the author. 1910.

Edmondson, Charles Howard,

Laboratory Guide in Invertebrate Zoölogy. Topeka: Published by the author. 1910.

- Gillette, Halbert Powers,
Handbook of Cost Data. Chicago: Myron C. Clark Publishing Co. 1910.
- Hamilton, John J.,
The Dethronement of the City Boss. New York: Funk & Wagnalls Co. 1910.
- Harrison, Elizabeth,
Misunderstood Children: Sketches Taken from Life. Chicago: Central Publishing Co. 1910.
- Hobson, J. T.,
Footprints of Abraham Lincoln. Lake City: Published by the author. 1910.
- James, James Alton, (joint author)
American History. New York: Charles Scribner's Sons. 1909.
- Long, Joseph Schuyler,
The Sign Language. Council Bluffs: Published by the author. 1910.
- McCarty, Dwight G.,
The Territorial Governors of the Old Northwest. Iowa City: The State Historical Society of Iowa. 1910.
- McKinney, Ida Scott Taylor,
Year Book of English Authors. (New Edition.) Boston: H. M. Caldwell Co. 1909.
- Mahood, John Wilmot,
Master Workmen. Philadelphia: Praise Publishing Co. 1910.
- Mills, Charles Francis Henry,
Voice and Vocalism. Mount Vernon: Hawk-Eye Press. 1910.
- Pillsbury, Walter Bowers,
Psychology of Reasoning. New York: D. Appleton & Co. 1910.
- Ross, Edward Alsworth,
Latter Day Sinners and Saints. New York: B. W. Huebsch. 1910.
- Shambaugh, Benjamin F., (Editor)
Proceedings of the Mississippi Valley Historical Association, 1907-1908. Cedar Rapids: The Torch Press. 1909.

Proceedings of the Mississippi Valley Historical Association, 1908-1909. Cedar Rapids: The Torch Press. 1910.

Steiner, Edward A.,

Cup of Elijah. New York: Fleming H. Revell Co. 1910.

Trueblood, Benjamin Franklin,

International Arbitration at the Opening of the Twentieth Century. Boston: Published by the author. 1909.

Waterman, Nixon,

The Girl Wanted: A Book of Friendly Thoughts. Chicago: Forbes & Co. 1910.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

The Register and Leader

Sketch of life of William H. McHenry, by L. F. Andrews, April 3, 1910.

Sketch of life of James M. Childers, a Mexican War Veteran, April 3, 1910.

Daniel K. Shaver — Oldest Printer in Iowa, April 10, 1910.

W. G. Schuyler, a Pioneer of Iowa, Tells of the Frontier, April 17, 1910.

Story of John Lott's Hate for the Indians and his Revenge, by Alice M. Hill, April 17, 1910.

Real Daughters of the American Revolution in Des Moines, by Mrs. Addie B. Billington, April 17, 1910.

Life Story of Governor Enoch Eastman, by L. F. Andrews, April 17, 1910.

Sketch of Life of P. Gad Bryan, April 24, 1910.

Odd Fellows of Iowa Celebrate their Ninety-first Anniversary, April 24, 1910.

Prominent Early Des Moines Settlers, by L. F. Andrews, April 24, 1910.

Shall Iowa Preserve Historic Log Cabin on the Capitol Grounds?, May 1, 1910.

Sketch of Life of Hans R. Claussen of Davenport, by Malcolm MacKinnon, May 1, 1910.

Sketch of Life of Sidney A. Foster, by L. F. Andrews, May 1, 1910.

S. C. Goddard — Oldest Survivor in Floyd County, May 1, 1910.
Times in Iowa when Road Agents Held up Stages, May 8, 1910.
Sketch of Life of Austin Joice, a Mexican War Veteran, May 15, 1910.

Stephen Brooks, a Loved Pioneer, by L. F. Andrews, May 15, 1910.
After Twenty-Two Years of Agitation — Evolution of Board of Control, by L. F. Andrews, May 22, 1910.

Frederick Mott, Pioneer Educator, by L. F. Andrews, May 29, 1910.
Old Grads Return to Simpson Campus, June 2, 1910.

C. W. Bender, an Early Pioneer of Postville, June 5, 1910.
Some of the Trials Which Pioneer Women Endured, June 12, 1910.
A. H. Guzeman — Real Son of the Revolution, June 12, 1910.
E. W. Jamar — An Old Time Minstrel Man, June 12, 1910.
Benjamin Franklin Kauffman, an Early Settler, by L. F. Andrews, June 19, 1910.

Sketch of Life of Judge John F. Dillon, June 19, 1910.
Comparison of Iowa and Nebraska, by Albert Watkins, June 19, 1910.

Sketch of Life of F. M. Davis — One of Iowa's Public Spirited Veterans, June 19, 1910.

Dean B. E. Shepperd Retires After Many Years of Service, June 19, 1910.

Marquette Discovered the Mississippi River 237 Years Ago, June 19, 1910.

History of the Sixteenth Iowa, by L. F. Andrews, June 26, 1910.

The Burlington Hawk-Eye

Twenty Years Ago (In each Sunday issue).

War Time Sketch, by W. P. Elliott, April 3 and June 26, 1910.

Sketch of Life of Judge George H. Williams, April 5, 1910.

Early Days in Burlington, by William F. Gilbert, April 10, 1910.

Ghosts of Dead Cities in Illinois, April 17, 1910.

A Pioneer Recollection of Early Days in Burlington — Letter by William G. Ross, April 24, 1910.

Sharp Contrasts in the Civil War, by W. P. Elliott, May 1, 1910.

Funeral Car of Lincoln Much Abused War Relic, May 8, 1910.

Authentic Story of the First Settlement of Burlington, by William Henry Smith, May 8, and June 19, 1910.

Pioneer Recollections of Wm. G. Ross, by Hiram Heaton, May 8, 1910.

Interesting Pioneers of Des Moines County — Mr. and Mrs. Herman Myers, May 8, 1910.

How Lincoln was Nominated, May 11, 1910.

Barrett House, Burlington's First Great Hotel, May 15, 1910.

Heroic Women in the Civil War, by W. P. Elliott, May 22, 1910.

Howe's Academy at Mt. Pleasant — One of Iowa's Oldest Educational Institutions, May 22, 1910.

The Hanging of the Hodges, May 22, 1910.

Keokuk's Celebrated Case of Mrs. Grimsley, May 22, 1910.

When the Soldier Boy Went Away to the War, June 5, 1910.

Robert Burdette's Tribute to Mark Twain, June 19, 1910.

Proceedings of June Session of the Jefferson County Historical Society, by Hiram Heaton, June 19, 1910.

William Salter — A Prophet who is Honored in his own Country, June 19, 1910.

The Sioux City Journal

Twenty Years Ago (In each Sunday issue).

The Story of a Benevolent Dictatorship — Activities of J. W. Pilkington of Dexter, April 10, 1910.

Sketch of life of Francis Herbert — Pioneer of Woodbury County, April 13, 1910.

A Journal Printer of 1870, April 19, 1910.

Lemars in 1870, April 19, 1910.

The Daily Journal's Fortieth Birthday, April 19, 1910.

Extracts from the Journal of Forty Years Ago, April 19, 1910.

Sioux City in 1870, April 19, 1910.

D. W. Butts — Pioneer Northwestern Iowa Editor, April 19, 1910.

Sketch of Life of John A. Kasson, May 19, 1910.

Henry Wallace — The Story of a Modern Miracle, May 29, 1910.

Grasshopper Invasions of Pioneer Days, June 5, 1910.

Sketch of Life of John Pierce, June 15, 1910.

HISTORICAL SOCIETIES

PUBLICATIONS

The *Annual Report of the Connecticut Historical Society* contains the reports presented at the annual meeting, May 24, 1910, and a list of officers and members.

The Massachusetts Historical Society has published a neat volume by Samuel Abbott Green, on *John Foster the Earliest American Engraver and the First Boston Printer*.

Herbert N. Ackerman is the writer of an article on *The Congregational Church of West Medford* which appears in the April number of *The Medford Historical Register*.

Volume one, number five of the *Publications of the Academy of Pacific Coast History* is devoted to a monograph on *The United States Consulate in California*, by Rayner Wickersham Kelsey.

The New England Churches and the First Presbytery, by William H. Roberts; and *Self-Government and Calvinism*, by Paul Fredericq, are articles in the June number of the *Journal of the Presbyterian Historical Society*.

The April number of the *Deutsch-Amerikanische Geschichtsblätter* is largely taken up with a continuation of selections *Aus den Aufzeichnungen von L. A. Wollenweber*, and with the *Geschichte des Omaha Schweizer-Colonie*, by Xaver Stadler.

The January and April numbers of the *Ohio Archaeological and Historical Quarterly* are combined, and are entirely taken up with *David Zeisberger's History of North American Indians*, edited by Archer Butler Hulbert and William Nathaniel Schwarze.

J. Franklin Jameson's historical sketch of *The American Historical Association, 1884-1909*, has been reprinted from the October number of *The American Historical Review*. The Association has also issued a pamphlet descriptive of its aims and activities.

Robert Hoe is the subject of a biographical sketch by Walter Gilliss in the April number of *The New York Genealogical and Biographical Record*. John R. Totten is the writer of an article on the *Science of Genealogy: The Growing Interest in this Study in the United States*.

An account of the *Fuenfte Konvention des Deutsch-Amerikanischen National-Bundes*, and a continuation of William G. Bek's study of *The Community at Bethel, Missouri, and Its Offspring at Aurora, Oregon*, take up the greater part of the *German American Annals* for January and February.

Among the articles in the May number of the *Register of Kentucky State Historical Society* are: *The Great Revival of 1800*, by Z. F. Smith; *Col. Richard Henderson of the Famous Transylvania Company*, by Susan S. Towles; *Pre-historic Animals in Kentucky and the Ohio Valley*, by R. B. Gilbert; and the *Diary of John Findlay Torrence, 1841*.

Among the contents of *The Virginia Magazine of History and Biography* for April, in addition to continuations, is an article on *The Last Fifteen Years of the House of Burgesses of Virginia, 1761-1776*, by James Mercer Garnett. The *Proceeding of the Virginia Historical Society* at its annual meeting on January 6, 1910, are also printed in this number.

The April number of the *Historical Collections of the Essex Institute* opens with a biographical sketch of *Francis Safford Dodge, Brigadier General in the United States Army*, by Mary Hunt Weston Dodge. *Groveland Localities and Place-Names*, compiled in 1854 by Alfred Poore; and *Marblehead in the Year 1700*, by Sidney Perley, are among the other contributions.

The *Collections of the Maine Historical Society* consists of volume fourteen of the *Documentary History of the State of Maine*, and contains *The Baxter Manuscripts*, edited by James Phinney Baxter. The letters, state papers, and other documents contained in this collection cover the years from 1766 to 1777, thus bringing the series down to the period of the Revolutionary War.

Charles E. Brown is the writer of three articles which appear in the January-April number of *The Wisconsin Archeologist*. The first deals with *The Intaglio Mounds of Wisconsin*. In the second article there are presented some *Notes on the Occurrence and Use of Bone, Shell, Hematite and Lead Implements in Wisconsin*. The last article tells of *Some Little-Known Wisconsin Implements*.

Agricultural Organization in Illinois, 1870-1880, is the title of an article by Solon J. Buck, which appears in the April number of the *Journal of the Illinois State Historical Society*. An illustrated account of *Lincoln's Defense of Duff Armstrong* is presented by J. N. Gridley. Among the *Reprints* are a *History of Churches in Adams County*, and an article on *Pioneer Congregational Ministers in Illinois*.

Among the articles in *The Pennsylvania Magazine of History and Biography* for April are: *The Struggle and Rise of Popular Power in Pennsylvania's First Two Decades, (1682-1701)*, by H. Frank Eshelman; "*Hail Columbia*" and its *First Publication: A Critical Inquiry*, by Charles Henry Hart; and some extracts from the journal of Sergeant Thomas Sullivan under the heading *From Brandywine to Philadelphia*.

The Quarterly of the Oregon Historical Society for December opens with *The Peter Skene Ogden Journals*, edited by T. C. Eliott. Then follow a second chapter of *The Financial History of the State of Oregon*, by F. G. Young; and an account of the *Dedication of the M'Loughlin Home*. The principal contribution in the January number is an address on *Oregon Counties: Their Creations and the Origins of their Names*, by Frederick V. Holman.

The South Carolina Historical and Genealogical Magazine for January opens with an article on *The Evacuation of Charleston by the British in 1782*, by Joseph W. Barnwell. *Radnor, Edmundsbury and Jacksonborough* is the title of an article by Henry A. M. Smith. Two contributions in the April number are: *The Baronies of South Carolina*, by Henry A. M. Smith; and *Notes on Some Colonial Governors of South Carolina and their Families*, by M. Alston Read.

The fourth chapter of Alex. Dienst's study of *The Navy of the Republic of Texas* appears in the belated October number of *The Quarterly of the Texas State Historical Association*. Other contributions are: *The Clopper Correspondence, 1834-1838*; and an article on *James H. C. Miller and Edward Gritten*, by Eugene C. Barker. In the January number there is a scholarly monograph by Ethel Zivley Rather on the *Recognition of the Republic of Texas by the United States*.

Besides continuations the following articles may be found in *The New England Genealogical Register* for April: A biographical sketch of *George Sumner Mann*, by Marquis Fayette Dickinson; *Extracts from the Journal of Elder Phinehas Pillsbury of Nobleboro, Me.*; and a study of the *First Ownership of Ohio Lands*, by Albion Morris Dyer. A supplement to this number of the *Register* contains the *Proceedings of the New England Historic Genealogical Society* at the annual meeting on January 26, 1910.

The opening contribution in the *Maryland Historical Magazine* for March is a paper on *Brantz Mayer*, by Bernard C. Steiner. There are also some *Letters of Francis Scott Key to Roger Brooke Taney, and Other Correspondence*. Among the contributions in the June number are: *Recollections of Baltimore*, by John H. Naff; *Cruizing on the Chesapeake in 1781*, by Isaac J. Greenwood; *Luther Martin's Speech to the House of Delegates*, contributed by Bernard C. Steiner; and some *Land Notes, 1634-1655*.

A reprint from the *Papers of the Military Historical Society of Massachusetts*, volume seven, contains a number of Civil War sketches, by Ephraim A. Otis. The first sketch describes *The Second Day at Shiloh*, in which battle the writer served as an aide to Colonel Gibson who commanded the sixth brigade of McCook's division. *Recollections of the Kentucky Campaign of 1862* is the title of the second sketch; while the last deals with *The Murfreesboro Campaign*.

Warren Upham contributes an article on *Washington's Canoe Trip Down the Potomac Related in a Letter to Colonel Innes*,

in the *Records of the Past* for March-April. Henry W. Haynes tells of the *Discovery of an Indian Shell-Heap on Boston Common*. Frederick Bennett Wright discusses *The Relation of the Great Museums and Institutions to the Independent Local Investigator*. Articles on *San Hipolito*, by A. L. Van Antwerp; and *Discoveries in Babylonia and the Neighboring Lands*, by Theophilus G. Pinches, are among the other contributions.

The *Proceedings* of the Massachusetts Historical Society for the year 1908-1909 contains the usual account of the transactions of the Society, a number of papers and addresses, and some documentary material. Among the latter are: some *Letters of James Monroe, 1790-1827*; a number of papers under the heading *Quaker Protests, 1659-1675*; a series of letters from the *Van Buren-Bancroft Correspondence, 1830-1845*; and the *Diaries of Rev. William Smith and Dr. Cotton Tufts, 1738-1784*. The Society has published a comprehensive general index to the first twenty volumes of the *Proceedings* (Second Series).

The United States Catholic Historical Society has issued a neat volume of over two hundred pages containing a *Diary of a Visit to the United States of America in the Year 1883*, by Charles Lord Russell, late Lord Chief Justice of England. The volume is edited by Charles George Herbermann, and there is an introduction by Matthew Russell and an appendix by Thomas Francis Meehan. The diary is very readable and indicates that the writer was quite favorably impressed with America. The party of which Lord Russell was a member journeyed across the continent on the first through train on the Northern Pacific Railway.

The January-March number of *The Quarterly Publication of the Historical and Philosophical Society of Ohio* contains four letters, each describing a journey in the western country during the early days. The first is entitled *Tour to Mobile, Pensacola, &c.*, and consists of a letter written by Peyton Short to Henry Clay in 1809. The second is a letter from Peyton Short to Dr. Frederick Ridgely in 1809, describing a *Tour to Fort St. Stephens, Fort Stoddert, and Pensacola*. James McBride is the writer of the third and fourth

letters which were written respectively to Margaret Poe in 1810 describing a *Journey to Lexington, Kentucky*; and to Mary McRoberts in 1812 telling of a *Voyage Down the Mississippi River* during the period of the New Madrid earthquake.

Volume seven of the *Contributions to the Historical Society of Montana* contains a number of papers of general interest. Wilbur Edgerton Sanders writes in an entertaining manner of *Montana: Organization, Name and Naming*. David B. Weaver's recollections of *Early Days in Emigrant Gulch* is interesting to Iowans because the writer and a number of persons referred to in the article at one time resided in Iowa. Frank H. Woody tells *How an Early Pioneer Came to Montana and the Privations Encountered on the Journey*. Under the heading, *Early Navigation of the Upper Missouri River* may be found a report of a steamboat expedition from St. Louis to Fort Benton in 1859, by Charles P. Chouteau. *Sacajaweah: An Historical Sketch*, by William F. Wheeler, is another article of interest.

The tenth volume of the *Publications of the Mississippi Historical Society*, edited by Franklin L. Riley, contains a good variety of articles on State history. There is also much material of general interest, among which may be mentioned: *The War in Mississippi after the Fall of Vicksburg, July 4, 1863*, by Stephen D. Lee; *The Vicksburg Campaign*, by Frank Johnston; *The Tupelo Campaign*, by Theodore G. Carter; *Aaron Burr in Mississippi*, by Charles B. Galloway; *Jefferson Davis at West Point*, by Walter L. Fleming; and the *Diary of a Mississippi Planter*, by Franklin L. Riley. The last hundred pages are devoted to tables of contents, an author index and a subject index for the first ten volumes of the *Collections*. It is believed that consolidation of all this material into a single and more extensive index would have increased the serviceability of this part of the volume.

Volume one of the *Annual Report of the American Historical Association for the Year 1907* is largely taken up with William Spence Robertson's monograph on *Francisco de Miranda and the Revolutionizing of Spanish America*. Among the other papers

which may be mentioned are: *Proposals for an Indian State, 1778-1878*, by Annie H. Abel; *The Pacific Railroads and the Disappearance of the Frontier in America*, by Frederic L. Paxson; *The Sentiment of the People of California with Respect to the Civil War*, by John Jewett Earle; and a *Résumé of the Archives Situations in the Several States in 1907*, compiled by Herman V. Ames. Volume two is devoted to part one of the *Diplomatic Correspondence of the Republic of Texas*, edited by George P. Garrison. The correspondence here printed for the first time covers the period from December, 1835, to December, 1842. There is also a calendar of correspondence hitherto printed.

An interesting and extended account of *The Meeting of the American Historical Association at New York* opens the April number of *The American Historical Review*. The first article is one by James F. Baldwin, on *The King's Council and the Chancery*. There is a second installment of Guy S. Ford's study of *Wöllner and the Prussian Religious Edict of 1788*; while John W. Foster presents a discussion of *The Contest for the Laws of Reform in Mexico*. James Ford Rhodes is the writer of the concluding article, which is a highly entertaining story of *The Molly Maguires in the Anthracite Region of Pennsylvania*, in which are described the operations and the downfall of this powerful band of criminals. Under the heading of *Documents* appear four letters varying in time from 1777 to 1867, perhaps the most interesting being a *Letter of John Quincy Adams, from Ghent, 1814*, and a *Letter of William Henry Trescot on Reconstruction in South Carolina, 1867*.

In 1907 a *Virginia Series* in the *Collections of the Illinois State Historical Library* was begun by the publication of the *Cahokia Records, 1778-1790*, edited by Clarence Walworth Alvord. Another volume, entitled *Kaskaskia Records, 1778-1790*, under the same editorship, has been added to the series. Since the first volume contained a general introduction to the whole series, the introduction to the present volume is comparatively brief and is devoted to the discussion of certain problems. As a rule the documents are arranged in chronological order, and for purposes of conven-

ience are divided into fifteen chapters. As is the case with the *Cahokia Records* these documents will prove of immense value to the student of early western history, since the greater part of them have hitherto been unaccessible except in manuscript. The commendable policy of giving both original and translation in the case of French documents has been followed, although it is believed that the manner of arrangement is not an improvement over that employed in the first volume. It is a matter of some surprise that the title page and the binder's lettering differ quite radically from the first volume in the series. Nevertheless, the changes are decided improvements.

The second volume of the *Proceedings of the Mississippi Valley Historical Association* was distributed in May. It is a handsome volume of nearly three hundred pages, and contains the transactions, papers, and addresses at the mid-winter meeting at Richmond, Virginia, on December 30, 1908, and at the second annual meeting at St. Louis, Missouri, June 17-19, 1909. Benjamin F. Shambaugh is the editor. Among the papers at the Richmond meeting were the following: *The North Carolina Cession of 1784 in Its Federal Aspects*, by St. George Leakin Sioussat; *William Clark — the Indian Agent*, by Harlow Lindley; and *The Story of Sergeant Charles Floyd*, by Frank Harmon Garver. At the St. Louis meeting there were a number of excellent papers, among which may be mentioned: *Ethnological Problems of the Lower Mississippi Valley*, by John R. Swanton; *Remarks on the Study of Aboriginal American History*, by William H. Holmes; *The Significance of the Attack on St. Louis, 1780*, by James Alton James; *The Western Sanitary Commission*, by Roland G. Usher; and *Early Trade and Travel in the Lower Mississippi Valley*, by William O. Scroggs. This volume completes the record of the meetings of the Association up to the meeting at Iowa City in May of this year, the proceedings of which will be published during the summer or fall.

ACTIVITIES

Mr. Louis H. Dielman has succeeded Dr. William Hand Browne as the editor of the *Maryland Historical Magazine*.

The Michigan Pioneer and Historical Society held its thirty-sixth annual meeting at Lansing on June 7 and 8, 1910.

The Connecticut Historical Society has recently come into possession of some additional Huntington papers for the year 1776.

The late Mrs. Henry G. Russell willed to the Rhode Island Historical Society a number of papers relating to Gabriel Bernon, a Huguenot immigrant. These papers cover the period from 1685 to 1735.

The library of the Massachusetts Historical Society has been made the depository of the Henry Knox papers, which are bound in fifty-five volumes. The New England Historic and Genealogical Society is the donor.

The eleventh annual meeting of the Illinois State Historical Society was held on May 5 and 6, 1910. The principal address was delivered by Professor Frederic L. Paxson, on the subject: *The West and the Growth of the National Ideal*.

THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

The third annual meeting of the Mississippi Valley Historical Association was held at Iowa City on Thursday and Friday, May 26 and 27, 1910, following a program presented under the auspices of The State Historical Society of Iowa. The following program was prepared and, with a few exceptions, was given in full:

May 26, 10:00 A. M.

Address of Welcome — George Edwin MacLean, President of the State University of Iowa.

President's Address — *Professional Ideals* — Orin G. Libby, Professor in the State University of North Dakota.

Paper — *The Evolution of Nebraska* — Albert Watkins, Historian in the State Historical Society of Nebraska.

Paper — *The Pioneer and the Forest* — Bohumil Shimek, Professor in the State University of Iowa.

Paper — *The State Historical Museum* — Charles E. Brown, Chief of the Wisconsin State Historical Museum.

May 26, 12:30 P. M.

Luncheon tendered to the members of The Mississippi Valley Historical Association and the members of The State Historical Society of Iowa by Mr. and Mrs. Arthur J. Cox at their home on the corner of Clinton and Market Streets.

May 26, 2:00 P. M.

A Conference of Teachers of History

Professor James A. James, Professor of History in Northwestern University, Presiding.

Paper — *Chief Features of the Report of the Committee of Five of the American Historical Association* — Andrew C. McLaughlin, Professor in the University of Chicago.

Discussion — *To What Extent Can an Effective Use of the Sources be made in Secondary Teaching?* — Guernsey Jones, Professor in the University of Nebraska; Edward C. Page, Professor in the Northern Illinois State Normal School; Jay T. Colegrove, Teacher of History in the Cedar Rapids High School.

Discussion — *To What Extent may the Teaching of History and Civics be Correlated and How Best Accomplished?* — Thomas F. Moran, Professor in Purdue University; O. M. Dickerson, Professor in the Western Illinois State Normal School; L. A. Fulwider, Principal of the Freeport High School; H. C. Wright, Teacher of Civics in the J. Sterling Morton High School.

May 26, 3:30 P. M.

A Conference of Mississippi Valley Historical Societies.

Edgar R. Harlan, Curator of the Historical Department of Iowa, Presiding.

Brief statements were presented at this time by representatives of the various societies.

May 26, 8:00 P. M.

Address — *The Significance of the Mississippi Valley in American History* — Frederick J. Turner, Professor in the State University of Wisconsin.

Address — *The Duty of the State in Relation to its History* — John Lee Webster, President of the Nebraska State Historical Society.

May 27, 10:00 A. M.

Paper — *The Significance of the Louisiana-Texas Frontier* — Isaac Joslin Cox, Professor in the University of Cincinnati.

Paper — *The Bid of the West for the National Capital* — Olynthus B. Clark, Professor in Drake University.

Paper — *Detroit and George Rogers Clark, 1780-1781* — James Alton James, Professor in Northwestern University.

Report — *The Marking of Historic Sites* — Committee of the Association.

May 27, 12:30 P. M.

Luncheon tendered to the members of The Mississippi Valley Historical Association and the members of The State Historical Society of Iowa by Mr. Euclid Sanders, President of The State Historical Society of Iowa, at the rooms of the Commercial Club.

May 27, 2:00 P. M.

Paper — *The Need of a Comprehensive Finding List of Western Manuscripts* — Clarence W. Alvord, Professor in the University of Illinois.

Paper — *Effigy Mounds and Mosaics in the Valley of the Mississippi* — Arlow B. Stout, Instructor in the State University of Wisconsin.

Paper — *Aboriginal Population of the Mississippi Valley* — James Mooney, American Bureau of Ethnology.

Paper — *Indian Names in Historical Documents* — John R. Swanton, American Bureau of Ethnology.

Business Session of The Mississippi Valley Historical Association.

May 27, 8:00 P. M.

Address — *Past and Present Sticking Points in Taxation* — Frank L. McVey, President of the State University of North Dakota.

Address — *Conservation of Natural Resources* — W. J. McGee, U. S. Department of Agriculture.

The attendance was considerably larger than at any of the preceding meetings of the Association, thus indicating the growing strength of the organization. The papers were fully up to the standard hitherto maintained in the Association and all indications point to a very successful future.

At the business session a board of publication, of which Clarence W. Alvord is chairman, was appointed to arrange for the publication of a series of *Collections* under the auspices of the Association. It is hoped that a satisfactory arrangement will be made in the near future. The first two volumes of the *Proceedings* have now been issued, and the third volume, containing the transactions and papers at the recent meeting, will be put to press at an early date.

The following officers were elected for the ensuing year: President, Benjamin F. Shambaugh; Vice President, Andrew C. McLaughlin; Secretary-Treasurer, Clarence S. Paine; two members of Executive Committee, James Alton James and Isaac Joslin Cox. Orin G. Libby, by virtue of being the retiring President, becomes a member of the Executive Committee ex-officio.

CONSTITUTION OF THE FLOYD COUNTY HISTORICAL SOCIETY

In the April number of THE IOWA JOURNAL OF HISTORY AND POLITICS there appears a list of the officers of the Floyd County Historical Society. The following are the Constitution and By-Laws which were adopted on February 14, 1910:

CONSTITUTION

ARTICLE I—NAME

The name of this Society shall be the Floyd County Historical Society.

ARTICLE II—OBJECTS

The society is organized for the purpose of collecting and preserving books, papers and records, writings and relics, legal, military and other materials, relating to the history of Floyd County, Iowa, but may include such material as is illustrative of the State and Nation.

ARTICLE III—MEMBERSHIP

SECTION 1. Any person may become a member of this Society by

signing the Constitution and By-Laws and by payment of the membership fee.

SEC. 2. Any person making an absolute gift to the Society of \$10.00 in money, or of historical matter of the value of \$10.00 in the judgment of the Board of Directors, shall become a life member of the Society.

ARTICLE IV—OFFICERS

SECTION 1. The officers of this Society shall a President, Vice-President, Secretary, Treasurer, Curator, Historian, and a Board of Directors. The Board of Directors shall consist of the President and eight members of the Society.

SEC. 2. All elections shall be by ballot unless the rule be suspended by a majority vote.

SEC. 3. The officers of this Society shall be elected by a majority vote of persons present who have been members one year or more.

ARTICLE V—BOARD OF DIRECTORS AND STANDING COMMITTEES

SECTION 1. The affairs of the Society shall be managed by a Board of Directors, subject to the provisions of the Constitution and By-Laws. And all appropriations of the funds of the Society shall be made by the Executive Committee, unless ordered by a majority vote of those present at any meeting of the Society.

SEC. 2. The Society may provide by its By-Laws for such standing committees and their duties as may be deemed necessary.

ARTICLE VI—MEETINGS OF THE SOCIETY

SECTION 1. The annual meeting of this Society shall be held on the second Monday in June of each year, at which time the officers shall be elected and shall hold office until their successors are elected and qualified.

SEC. 2. Special meetings may be held at the call of the President.

SEC. 3. Five members shall constitute a quorum for the transaction of business.

ARTICLE VIII—MEMBERSHIP FEES AND ANNUAL DUES

The membership fee and annual dues shall be as provided by the By-Laws.

ARTICLE IX—AMENDMENTS

The Constitution may be amended at any stated meeting of the

Society by a majority vote of persons who have been members for one year or more. Absent members may vote by letter.

BY-LAWS

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The duties of the officers shall be such as are indicated by their titles, and as may be provided by the Constitution and By-Laws.

ARTICLE II—ORDER OF BUSINESS

SECTION 1. At each stated meeting the order of business shall be as follows:

1. Reading of minutes of last meeting.
2. Presentation of petitions, letters, memorials, or other papers which require action, and may be referred to appropriate committees for report.
3. Nomination and election of officers.
4. Reports of committees and officers.
5. Unfinished business.
6. New business.
7. Delivery of addresses and reading papers.
8. Adjournment.

ARTICLE III—THE SECRETARY

SECTION 1. The Secretary shall keep a book to be called the record and minute book, in which he shall transcribe in order (a) the Constitution and By-Laws of the Society; (b) the record of his minutes of the proceedings of all meetings of the Society, after approval, and all other matters of which a record shall be ordered by the Society.

SEC. 2. As soon as convenient after he shall have recorded the same he shall turn over to the Curator for listing, filing and preservation, the originals of all letters, papers, addresses and other materials proper to be preserved.

ARTICLE IV

SECTION 1. The Curator shall appoint an assistant, and he and his assistant shall, under his direction and responsibility, have the care and charge of all books, papers and records, writings and rel-

ies of whatever kind or character, the property of the society, which shall be kept as a department of the Free Public Library of Charles City.

SEC. 2. The documents, papers and relics shall be catalogued and arranged after the system in use in said Library.

SEC. 3. The Curator shall be held responsible to the Society for the care and safe custody of all its said properties, and under no circumstances shall any person, whether officer or member, be suffered or permitted to take from its place in said Library any item or article of its property of whatever nature or kind.

SEC. 4. At each stated meeting of the Society the Curator shall report in writing the list of books, papers, relics, etc., that shall have been acquired by the Society since the last stated meeting, and a list of all such books, relics, etc., that have been lost since the last stated meeting, with such information as he may have concerning the same.

ARTICLE V—THE TREASURER

SECTION 1. The Treasurer shall collect and safely keep all the funds belonging to the Society, and disburse the same only on the order of the Executive Committee, and he shall make a full report of the financial condition of the Society at each annual meeting.

ARTICLE VI—THE BOARD OF DIRECTORS

SECTION 1. The President, Secretary and Treasurer shall constitute an Executive Committee, having general management of the Society, and shall meet promptly on the first Monday of each quarter. Four members shall constitute a quorum.

SEC. 2. They shall consider and determine what books, papers, records and relics and other historical materials shall be purchased for the Society, and individually interest themselves, with other members of the Society, in soliciting contributions in money and historical materials within the scope and purpose of the Society.

SEC. 3. No indebtedness of the Society shall be incurred by the Board of Directors in excess of the funds in the hands of the Treasurer not already appropriated unless by the direction of a majority vote of the Society, and before any bill for the purchase of books,

papers, relics, records and writings for the Society shall be paid by the Treasurer it shall be signed by the President or Vice-President of the Board of Directors.

ARTICLE VII—MEMBERSHIP FEE AND ANNUAL DUES

The membership fee shall be 50 cents, and the annual dues 50 cents.

ARTICLE VIII—AMENDMENT

SECTION 1. The By-Laws of this Society may be amended by a majority vote of persons who have been members for one year or more.

THE STATE HISTORICAL SOCIETY OF IOWA

A volume on *The Territorial Governors of the Old Northwest* written by Dwight G. McCarty, was distributed in May.

Mr. E. H. Downey's *History of Labor Legislation in Iowa*, a volume of nearly three hundred pages, was distributed late in April.

The Society has recently installed a handsome flag-case of steel and plate-glass in which to preserve the battle-flags in its possession.

Mr. E. H. Downey, formerly Research Assistant in the Society, is the author of an excellent article on *The Futility of Marginal Utility*, which appeared in the April number of *The Journal of Political Economy*.

The following persons have recently been elected to membership in the Society: Mr. W. E. Bickel, Vinton, Iowa; Mr. Carle D. Brown, Cedar Rapids, Iowa; Mr. Charles Carter, Fairfield, Iowa; Mr. Fred Courts, Morning Sun, Iowa; Mr. H. P. Dillon, Topeka, Kansas; Mr. E. G. Dunn, Mason City, Iowa; Mr. A. J. Edwards, Waterloo, Iowa; Mr. G. D. Ellyson, Des Moines, Iowa; Mr. Nathaniel T. Guernsey, Des Moines, Iowa; Mr. P. E. Hall, Cedar Rapids, Iowa; Mr. L. V. Harpel, Boone, Iowa; Mr. J. A. Henderson, Jefferson, Iowa; Mr. J. H. Henderson, Indianola, Iowa; Mr. F. M. Hubbel, Des Moines, Iowa; Mr. Burr C. Keeler, Mason City, Iowa; Mrs. F. W. Knight, Milford, Iowa; Rev. Chas. S. Medbury, Des Moines, Iowa; Mr. Edward F. Misak, Cedar Rapids, Iowa; Mr. L. F. Parker, Grinnell, Iowa; Mr. Frank R. Parsons, Tipton, Iowa;

Mr. George B. Stewart, Fort Madison, Iowa; Mr. D. W. Turner, Corning, Iowa; Dr. Fred W. Bailey, Cedar Rapids, Iowa; Miss Ruby Baughman, Jefferson, Iowa; Mr. W. H. Berry, Indianola, Iowa; Mr. H. M. Binder, Council Bluffs, Iowa; Mr. Nathan E. Brown, Cedar Rapids, Iowa; Mr. Walter S. Cardell, Winterset, Iowa; Mr. C. W. Cruikshank, Mt. Pleasant, Iowa; Mr. George D. Darnall, West Union, Iowa; Mr. F. F. Daugherty, Keokuk, Iowa; Mrs. Anna A. Fisher, Cedar Rapids, Iowa; Mr. A. N. Hobson, West Union, Iowa; Miss Anna M. Klingenhagen, Iowa City, Iowa; Mr. R. H. Lambert, Marion, Iowa; Mr. C. R. Marks, Sioux City, Iowa; Mr. Earl E. Mason, Webster City, Iowa; Mr. B. F. Reed, Algona, Iowa; Mr. E. C. Robbins, Cedar Rapids, Iowa; Mr. John Sandham, Harlan, Iowa; Mr. E. F. Schall, Fort Madison, Iowa; Mr. John M. Thompson, Marion, Iowa; Mr. B. B. Van Steenburg, Spirit Lake, Iowa; Miss Anna O. Temple, Atlantic, Iowa; Mrs. Max Mayer, Iowa City, Iowa; Mr. Marvin Dey, Iowa City, Iowa; Mr. William A. Hunt, Wapello, Iowa; Mr. James Blaine Mason, Des Moines, Iowa; Mr. Charles F. Peterson, Clarion, Iowa; and Mr. Walter I. Wolfe, Lost Nation, Iowa.

PROGRAM ON MAY 25, 1910

A program was presented under the auspices of The State Historical Society of Iowa on Wednesday, May 25, in connection with the third annual meeting of The Mississippi Valley Historical Association. At ten o'clock, in the University Auditorium in the Hall of Natural Science, President Euclid Sanders introduced Professor Laenas G. Weld, who delivered a splendid address on the subject: *On the Way to Iowa*. Professor Weld sketched in an entertaining manner the early French voyages up the St. Lawrence River and the explorations leading out toward the Iowa country, especially those of Nicolet, Radisson and Groseilliers, and Joliet and Marquette.

At two o'clock in the afternoon, in the library rooms of the Society there was held a conference of local historical societies in Iowa. Brief but interesting reports were presented by representatives from sixteen local societies. These reports reveal a growing

interest in local history throughout the State, and it is hoped that this conference gave an added impetus to the work.

At six o'clock at the Burkley Imperial Hotel the members of The State Historical Society of Iowa tendered a dinner in honor of Mr. Joseph Newton and the conference representatives of the local historical societies in Iowa. One hundred and twenty-one persons were present, including about twenty-five members from Cedar Rapids who chartered a special car on the interurban for the occasion. At the close of the dinner Mr. Newton was called upon, and made some very pleasing remarks.

At eight o'clock the day's program was closed by Mr. Joseph Newton's address on *Abraham Lincoln*. Mr. Newton has made an extended study of the life of Lincoln and has gained access to materials hitherto denied the investigator. Hence he was able to bring something new and unique on a subject which would seem to have been largely exhausted in recent years.

The Society expects to publish these two addresses, as well as the reports of the conference, at an early date, thus preserving the record of a program which was a success in every respect.

NOTES AND COMMENT

Nearly twenty Kansas cities and towns have recently adopted the commission plan of government.

The American Library Association held its annual meeting at Mackinac Island, June 30 to July 6, 1910.

Judge James Aldrich, a Curator of the South Carolina Historical Society, died on January 23, 1910.

The sixth State Assembly of the Wisconsin Archeological Society will be held at Madison on Friday and Saturday, July 29 and 30.

Professor Allen Johnson of Bowdoin College, formerly of Iowa College at Grinnell, has accepted a professorship of American history in Yale University.

Governor Charles S. Deneen of Illinois has appointed members to serve on the Tax Commission which was authorized by the State legislature at its last session.

The records of the old court which was held at Detroit prior to 1796 have been discovered at Toronto by Clarence M. Burton and Alexander H. Fraser.

Professor Evarts B. Greene has been appointed to fill the vacancy in the Board of Trustees of the Illinois Historical Library caused by the resignation of President Edmund J. James.

Burlington and Sioux City, Iowa, elected their first officers under the commission plan of government at the spring elections. Much interest was also taken in the municipal elections in Des Moines and Cedar Rapids, the two other Iowa cities which have adopted the commission plan.

In a number of the States of the Middle West, especially in Michigan, Wisconsin, and Illinois, the prohibition question played an important part in the local spring elections. In Michigan there

were distinct gains for prohibition, while in Illinois and Wisconsin little change in sentiment was indicated.

A unique and practical public service is being performed at the University of Illinois where a municipal reference bureau has recently been established in connection with the department of political science.

Mr. William H. Holmes has severed his official connection with the Bureau of American Ethnology, and has resumed his place as head Curator of Anthropology in the United States National Museum. Mr. F. W. Hodge has taken charge of the Bureau of American Ethnology.

The Congress of Archivists and Librarians which will be held in Brussels, Belgium, on August 28-31, was arranged by the Association des Archivistes et des Bibliothécaires belges, with the coöperation of committees appointed from the various countries and learned societies. The Congress will be divided into four sections devoted respectively to archives, libraries, special collections (seals, medals, prints, etc.), and public libraries. The sections will hold separate meetings where papers will be read and discussions carried on bearing upon the various theoretical, technical, and practical problems connected with the administration of archives and libraries.

LEONARD WOODS PARISH

Professor Leonard Woods Parish of the Iowa State Teachers College, and a Curator of the State Historical Society of Iowa, met his death in the terrible railroad wreck near Gladbrook, Iowa, on Monday, March 21, 1910.

Mr. Parish was born at Springfield, Massachusetts, on July 4, 1850, and his early life was spent there and in New Haven, Connecticut. After receiving his preparatory education in the high schools of Springfield and New Haven, and at the Hopkins' Latin Grammar School, he entered Yale University and graduated in 1872.

For several years Professor Parish taught in various Connecticut schools, and in 1876 he came to Iowa, where in the following year

he was united in marriage with Miss Emma Stuart. In Iowa Professor Parish continued to devote himself to the work of the public schools, especially as Superintendent of the West Des Moines schools and of the Independence schools. In 1890 his ability received recognition in a call to the professorship of Psychology and Didactics at the Iowa State Normal School. Five years later he accepted the chair of Political Science in the same institution, since it would give him an opportunity to follow out the line of work in which he was chiefly interested, namely, Economics. In this capacity he continued until the date of his death, although his official title was changed in 1909, when he became Head of the Department of History and Political Science.

Professor Parish's interests and activities, however, extended beyond college walls. In 1900 he was appointed by the Governor as a Curator of The State Historical Society of Iowa, and during the ten years in which he retained this position his counsel and encouragement were highly prized. He was also a member of the Board of Curators of the Association of Contributors to Iowa Education and History, an organization which was formed at Cedar Falls in January, 1909. And thus he was closely identified with the historical interests of the State. A number of contributions along the special line of his work were also written by him, among them being an *Outline Analysis of Compayre's Pedagogy*, published in 1892; *Institute Economics*, published in 1895; and *Elementary Economics*, published in 1906. Furthermore, he was joint author of Seerley and Parish's *History and Civil Government of Iowa*, published in 1897.

Leonard Woods Parish devoted the best years of his life to the work of education in the Commonwealth of his adoption. He was eminently successful as a teacher, and was a man beloved and respected by all who knew him.

HARVEY REID

On Monday, April 25, 1910, occurred the death of Harvey Reid of Maquoketa, Iowa. Mr. Reid was born in Argyle, Washington County, New York, on March 30, 1842. When he was two years

of age he removed with his parents to Wisconsin where he lived until 1861. During this time he attended the common schools and pursued studies for a brief time in the University of Wisconsin. In 1861 he moved southward into Carroll County, Illinois.

In August, 1862, Mr. Reid responded to his country's need and enlisted in the Twenty-Second Wisconsin Volunteer Infantry, and served throughout the remainder of the war. He participated in the memorable Atlanta campaign and marched with Sherman to the sea. He spent one month of confinement in Libby Prison.

At the close of the war he came to Sabula, Iowa, and became a bookkeeper for the Iowa Packing Company, a position which he held until 1886, when he became County Treasurer of Jackson County. After two terms of faithful and efficient service in this office Mr. Reid turned his attention to business in Maquoketa, where he lived until the date of his death, being prominently identified with everything that was for the highest interest of the town.

Mr. Reid was especially well known for his historical writings. Among the books and pamphlets which have come from his pen are the following: *Biographical Sketch of Enoch Long, an Illinois Pioneer*, published in 1884 by the Chicago Historical Society; *In the Shadow of the Gallows: A True Story of an Iowa Pioneer*, published at Maquoketa in 1902; a biography of *Thomas Cox*, published in 1909 by The State Historical Society of Iowa; and an *Early Military History of Iowa*, which has recently been issued. He was also the writer of numerous brief sketches. Mr. Reid's interest in State and local history is further evinced by the fact that he was a member of The State Historical Society of Iowa and of the Jackson County Historical Society. In the latter organization especially he was an active and enthusiastic worker.

In the death of Harvey Reid the State of Iowa has lost one of its most patriotic and useful citizens. He was keenly interested in the present and future welfare of the community in which he lived, but he found his greatest enjoyment in recording for future generations the annals of the past.

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THE IOWA JOURNAL OF HISTORY AND POLITICS

OCTOBER NINETEEN HUNDRED TEN

VOLUME EIGHT NUMBER FOUR

THE SCOPE OF IOWA HISTORY

To define the scope of the history of Iowa by the fundamental elements of time, place, and persons is to make an extension of or addition to that conception which is in common observation the narrower point of view. The history of Iowa can never be restricted by the artificial bounds of the State, but must ever be regarded as a resultant of external as well as internal forces. As the geology of Iowa has meaning only as the carboniferous and the glacial periods are studied and interpreted in their relations to other periods, so the history of Iowa is an integral part of the history of the Valley of the Mississippi and must be interpreted in these larger settings of time and space.

Where the pre-historic ends in Iowa can not be defined with precision. Anthropology, ethnology, and archaeology now and then tender a parcel of knowledge of the remote past. Copper implements, stone knives, a rude cloth, and carved pipes found in mounds pronounce the existence of an early culture. But the origin of this people, their number, their government, their customs, and their decline are questions which the absence of adequate and satisfactory records do not yet permit the historian to solve or to answer. Likewise the early life of the Indian tribes — their origin, their development, and their social life — has not yet fully emerged from the haze of conjecture, legend, and tradition into the light of reliable historical knowledge.

Solid historical ground is reached when Father Jacques Marquette and Louis Joliet land on Iowa soil on June 25, 1673. With bible and crucifix the black-gowned mission-

ary visits the Illinois Indians in Iowa; and the narrative of his journal glows with religious fervor and missionary zeal. The account of this first descent of the Father of Waters by the white man expresses itself in descriptions of the scenery, the flora, and the animal life on its banks. Marquette notes with care the fishes in its waters; the sight of wingless swans and buffaloes greets him; the climate, latitude, and the topography of the region find a place in his narrative; and with much detail he describes the organization, the customs, the appearance, and the hospitality of Indian tribes.

This voyage of Marquette marks the beginning of a period of exploration. Other explorers come to the Mississippi Valley. Julien Dubuque becomes the first settler upon Iowa soil, and the romances as well as the history of the Mississippi Valley are begun. The history of jurisdictions over Iowa, of settlements, of wilderness-winning, of government, law, institutions, wealth, population, and homes constitutes the thread around which the story of Iowa is woven.

Geographically Iowa is situated in the Mississippi Valley, and the history of the one will supplement that of the other. Both the elements and the setting are western. Iowa was a section as well as a reservoir for the waves of early migration which peopled the West. This inter-relation of forces and events and atmosphere and scenes becomes a part of the history of Iowa as well as a part of its destiny. Likewise the story of California must be built upon the foundation of its western location and immigration; nor can the history of Massachusetts be divorced from its New England location and its sombre atmosphere of Puritanism.

Politically, Iowa has been under several sovereign juris-

dictions, each of which has left historical traces upon the area. During the possession of the region by France for eighty-seven years Iowa was a wilderness and the history of this time is made principally by Canadian voyageurs and explorers. Thirty-four years' existence under the flag of Spain has left the history of several notable land grants; Spanish names have been left in Iowa; the white man's relations with the Indians in Iowa begin; and the fur trade and the lead industry are initiated by Julien Dubuque. Again the Iowa country comes for three years under the dominion of France; and its cession, as a part of Louisiana, to the United States in 1804 marks the beginning of a jurisdiction which survives to-day.

Under the American flag Iowa's jurisdictional lineage begins with the Upper Province of Louisiana. Over this area the laws and jurisdiction of the Indiana Territory were extended in 1804, and thus the aegis of the Northwest Ordinance was first extended over Iowa. The Territories of Louisiana and Missouri then exercised subordinate jurisdiction over Iowa until 1821, when for nearly thirteen years it remained a political orphan. Then for four years it was under the laws and authority of the Territories of Michigan and Wisconsin. The experience and history of these various subordinate jurisdictions later become crystallized in the Organic Act of the Territory of Iowa. The long descent of this political estate bears the marks of many transfers and offers a fertile field for the comparative study of Territorial jurisdictions.

Iowa history — as the history of Iowa or the subjective aspect of the subject — is concurrent in its beginning with the inception of Iowa as a body politic. Then the internal forces of history act and interact upon the external factors of time, location, and jurisdictions. The settlement of

Iowa in 1833 (the common date for the opening of Iowa) marks the beginning of social forces in Iowa — population, law, industry, custom, and the adaptation of experiences to new conditions. Every phase of history then has made its appearance — institutional, industrial, political, etc.

On the institutional side Iowa furnishes a rich field for the study of political governmental forms and experimentations through the agency of political parties. Political creeds and methods are transplanted from other States and are made to respond to the democratic and the pioneer elements. The response to the influences of the national party can be traced. The origin, growth, triumph, decline, and decay of political parties find illustration in Iowa. The operation of political party machinery can be observed from the humblest voter to the State convention, and from the ordinary broadside to the daily newspaper. Through the medium of political parties there are presented the tests and the defects of a code of fundamental law for the Commonwealth.

The writing of the history of the church in Iowa likewise invites the historian. The transplanting, growth, and expression of religious creeds can be noticed, the number and the increase of various sects and their location, their colonizing tendencies, and the governmental organization of various sects can be studied. The circuit riders have a history of their own; while early places of worship, the erection of churches, and the socializing influence of the church furnish additional subjects for study. The mere mention of the Mormons, the Dunkards, the Latter Day Saints, the Inspirationists, and the Amish Mennonites indicates many possibilities for historical study.

Upon the very general subject of education the field for study in Iowa is vast. What was the professional equip-

ment of the earliest schoolmaster? What was his salary and his standing in the community? The zeal of the early pioneers for education should be told. The early courses of study, the financial support of schools, the powers and duties of the earliest school officials, the social power of the school in the neighborhood, the general administration and supervision of the schools invite further study. The history of the high school in Iowa alone would make a monograph.

Higher education in Iowa offers other routes of inquiry. The origin and development of the various colleges, their struggles, their financial endowments, their curricula, their students, and the past influence of the colleges in the educational world may be studied with profit. The administration and support of education by the State for higher education as well as for the common schools suggest other subjects for inquiry. Much history is also wrapped up in the administrative and legislative records of the State institutions.

What were the social customs, habits, and pleasures of the early pioneers? How far did these operate as educative, aesthetic, or moral agencies? The novelist, taking Iowa pioneer conditions for a back-ground, would be required to be cognizant of the amusements, the manners, the etiquette, the dress, and the nomenclature of pioneer social life and events. He must needs know their festal days and celebrations, their attitude toward the church, and even their excesses, their indulgences, and their vices. Who can estimate the influence of the early spelling-schools and the pioneer lyceum debating societies?

Itself the conservator of a vast amount of historical material, the Iowa newspaper as an institution well deserves an historian to chronicle its beginnings, its early editors,

and the struggles of its first days. The financial side can claim attention, its influence as an agency in party machinery has been enormous, and its influence upon morals, religion, education, and general intelligence can hardly be overestimated. Briefly suggested, there is much history between the pioneer four-page weekly issued from a Franklin press and the modern fifty-page Sunday edition.

Another social institution — that of marriage — arouses a multitude of questions. How were marriages regulated in Iowa before the inauguration of civil government? What marriage laws did Iowa inherit from its former jurisdictions? What were the laws on divorce and upon the wife's distributive share in property? The average age at which the pioneers married, the number of marriages, and the number and causes of divorces would become interesting historical facts when juxtaposed to the statistics of more modern times.

A rich and abundant harvest will be yielded by excursions into the political and administrative history of Iowa. Here are recorded the beginnings of civil administration. Illustrations of popular sovereignty are found in the claim clubs; the creation of counties, townships, and municipalities follows. Where are the precursors of the various township and county officers? The history of the justice of the peace or of the county commissioners would shed many side-lights upon administrative history. Thousands of financial reports, vouchers, tax receipts, bonds, etc., in county vaults could be rejuvenated into county financial histories.

A welcome should also be extended to the village historian who sees more than prose and hears more than humdrum in the beginnings of towns and villages. How were the early town sites laid out and what assistance was ex-

tended by the legislature? The incorporation of the town, the inauguration of its government, its response to local conditions are subjects that will grow in interest and importance as they are studied. Not a few cities in Iowa were settled by groups from other counties. The influence of the early towns on morals, politics, religion, social life, and trade afford other branches for investigation. The man, who, with the prophetic vision of a Bradford, preserved the early town annals is worthy of both honor and praise.

A store of material upon the administrative history of Iowa is contained in the Public Archives of the State. The records of scores of boards, commissions, agents, and officers are preserved in reports, oaths of office, resignations, letters, petitions, and commissions. There may be found the history of the Fort Madison Penitentiary; in another place can be found the material of a contested election; maps show the labors of boundary commissioners; the records in the State Superintendent's office will show the growth of Iowa's educational system; and in another place will be found the reports of agents to negotiate loans or to select lands for the State.

In the legislative journals are to be found the parliamentary history of hundreds and thousands of bills and laws. Resolutions and minority committee reports throw light upon the attitude of the legislature in respect to the great national questions of slavery, homestead laws, financial policy, and the tariff. Election contests are abundant, while dramatic stories of Senatorial elections are sometimes found behind the meagre minutes in the journals. In the Congressional records, likewise, may be found scores of memorials, petitions, and bills from Iowa. Representatives in Congress present the attitude of their constituents

upon great issues. And much of the financial history of the Territory of Iowa is contained in the records and laws of Congress.

An adequate history of the Indians of Iowa has not yet appeared. Long chapters can be devoted to their inter-tribal wars. Their organizations merit further description. Their migrations, settlements, and industries, suggest other subjects. The Indian's relations with the Whites stimulate a host of inquiries. How did the government secure title to the Indian lands? What authority did the government exercise over them? How were treaties with the Indians consummated? How were the treaties kept? What were the operations of the early Indian traders in Iowa? At Washington the archives hold hundreds of reports from the Superintendents of Indian Affairs in the Iowa country. The various Indian outbreaks and wars alone would make a long story. The westering of the Indian tribes represents the force and volume of the western wave of pioneer migration.

Other racial groups in Iowa have histories. Much has already been written upon the history of the Scandinavian population in Iowa. Much unwritten history still reposes in the story of the Germans of Iowa. Other groups are the Jews, the Bohemians, and the Hungarians; while at Pella and in northwestern Iowa are large groups of descendants of the loyal followers of William of Orange. Of what political theories were these peoples the apostles? Why did they settle in Iowa? How have they responded to the pioneer agricultural environments? How have they intermingled with other races or how far have they retained their racial groups and characteristics? How far have they been assimilated in the political, industrial, religious, and institutional phases of American life?

Out of the military record also spring a large number of questions. Indian wars and outbreaks have already been suggested. Iowa's part in the Mexican War remains to be described. What was the attitude of Iowa toward secession? The raising, organizing, and equipment of Iowa troops in the Civil War represents a strenuous period of the State's history. The valor and bravery of Iowa soldiers upon the field will appeal to the historian as well as to the eulogist. The attitude of Iowa upon the great post-bellum questions can also claim a place in Iowa's record of achievements. History has already decided that Iowa had a great "War Governor".

The history of Iowa would of course be incomplete without a narration of the achievements of Iowa's men in national affairs. National as well as State history is interwoven about such names as Robert Lucas, Augustus Caesar Dodge, James W. Grimes, Samuel J. Kirkwood, John A. Kasson, Grenville M. Dodge, James Wilson, Justice Samuel F. Miller, and William B. Allison. They are types and representatives of great issues and achievements which have the background of a Mississippi Valley region.

An industrial history of Iowa, too, will some day be written. This would devote chapters to the early lead mines, the early means of travel and transportation, the construction of military and wagon roads, bridges, and ferries. The stage-driver, the ferryman, the mail contractor, and the river pilots have all done their share in the early history of the State. It might well be explained, too, that there is a connection between the location of the river cities and early navigation in Iowa.

A history of agriculture in Iowa would concern itself with the earliest improvements of fencing, buildings, orchards, and methods of tilling. The marketing and the consump-

tion of farm products would suggest other subjects. The use and development of machinery upon farms, the effects of railroads, social life upon the farms, educational and religious advantages, would furnish other avenues for study. Related subjects would be the origin and development of the industries of stock-raising, dairying, milling, and mining.

The subject of railroads is large in its capacity for historical treatment: the early land grants, the competition of various sections for trans-State lines, the legislative history of early railroads in Congress concern the beginnings of the railways in Iowa. State laws and taxation offer additional subjects. The influence of the railroads upon politics has been great and is intimately connected with the regulation of railroads by the State. Finally the transcendent influence of the railways in the development of the mining, agricultural, and industrial resources can not be overlooked by the historian.

Banks and banking, child labor, insurance, manufacturing, and the various trades and professions may serve as historical subjects. The mention of express, telegraph, and telephone companies indicates further possibilities in treating the industrial history of Iowa.

But the field is great and the subjects are infinite in number. Although Iowa history is essentially local in character, let no one disparage its interest and value. The geologist examines the minutest particles of rock and may find a measure of beautiful granite or discover a rich vein of ore. Close examination of rough material may reveal a wonderful and instructive story of the life of the past. Microscopic examinations by the biologist will give classifications of the orders of life. So the study of local history through the perspective of National history will furnish

the finer fibers, the delicate colorings, and the durable material which are woven into a great National pattern. Local history must study minutely. It must study the people's accomplishments and defeats, their mistakes and their triumphs, their joys and sorrows and their ideals — for this is humanity, and local history is the record of humanity.

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THE COUNTY JUDGE SYSTEM OF IOWA WITH SPECIAL REFERENCE TO ITS WORKINGS IN POTTAWATTAMIE COUNTY

[This paper was awarded the prize offered in 1909 by the Iowa Society of the Colonial Dames of America for the best essay in Iowa history.—EDITOR.]

Of the numerous and varied experiments in local government in the United States during the nineteenth century many are vastly more important but few are more unusual from the standpoint of republican institutions than the "county judge system" which existed in the State of Iowa from August, 1851, to January, 1861. Disregarding the threefold division of governmental functions, the county judge system of Iowa placed in the hands of one man, virtually as autocrat, large administrative and judicial powers, and to some extent legislative prerogatives as well.

The authority of the County Judge was summed up in the statement, contained in the *Code of 1851*, that he should have the "usual powers and jurisdictions of county commissioners and of a judge of probate", and that he was to be also the "accounting officer and general agent of the county". He was directed to manage all county business, to have the custody of all county property — except such as was by law placed in the custody of another officer — and to "superintend the fiscal concerns of the county and secure their management in the best manner".

The most important specific administrative duties laid by statute upon the County Judge were to audit all claims against the county and to draw all warrants; to audit and settle the accounts of the treasurer and any other persons

intrusted with public money; to execute deeds and other contracts made by the county; to supervise the highways of the county, with power to establish or change them; to provide for the erection and repair of courthouses, jails, and other county buildings; to give certificates of election of county officers; to grant toll-bridge and ferry licenses, in the latter case with the power to make the privilege exclusive for a mile in either direction (subject, however, to appeal to popular vote); to issue marriage licenses, with the further authority to perform marriage ceremonies; to institute and prosecute civil actions brought for the benefit of the county; to fill vacancies in county offices; to determine the amount of tax to be levied for county purposes, subject to the statutes of the State, and to cause the tax to be collected.

The judicial powers of the County Judge — or county court as the position was called whether the incumbent was levying taxes or hearing a habeas corpus proceeding — were largely those of a judge of probate. He was authorized to hear cases and to determine the responsibility for the support of paupers, and was given jurisdiction over insane persons. A jury might be demanded, however, in proceedings with reference to the support of a poor person or in a case to determine whether or not an individual was insane. Once the party was declared insane, the county court had wide powers. The Judge might appoint a guardian, whose compensation should be "in the discretion of the court", but subject to appeal. The court determined the time and terms of sales, mortgages, and leases of property belonging to insane persons. The appointment of guardians for minors and the hearing of cases of master and apprentice and of proceedings in bastardy were further duties of the court. It might hear habeas corpus proceedings, except where the commitment was made by the supreme or the district court,

and might issue injunctions when the district court was not in session in the county. It could issue executions against personal property; and, by transcript to the district court, its judgments became as those of the higher court. Preliminary hearings in criminal cases, too, might be held before the County Judge. Regular sessions of the court were held monthly.

As Harold Martin Bowman remarks in his monograph on *The Administration of Iowa*, the legislative powers of the County Judge were almost exclusively initiatory in character.¹ He could submit at a regular or special election questions whether money might be borrowed to aid in the erection of public buildings; whether the county would construct or aid in the construction of any road or bridge which might call for an extraordinary expenditure; whether stock should be permitted to run at large, or at what time it should be prohibited; and the question of "any other local or police regulation not inconsistent with the laws of the state." When the warrants of a county were at a depreciated value, the Judge might submit the question whether a tax of a higher rate than that provided by law should be levied. The Judge was required to submit the adoption or rescission of such a measure upon petition of one-fourth of the voters of the county.²

The powers mentioned above were conferred upon the County Judge by the *Code of 1851*. A statute passed in 1853 turned the swamp lands of the State over to the coun-

¹ Bowman's *The Administration of Iowa* in the *Columbia University Studies*, Vol. XVIII, p. 173.

² In the *Code of 1851*, of course, the powers of the County Judge were not thus classified. The following sections of the *Code* contain provisions concerning the office: 100, 103-140, 168, 211, 270-284, 323, 339-367, 430, 436, 454, 483-485, 514-556, 567-569, 651-661, 672, 712-747, 811-816, 821-823, 825-826, 828-830, 837, 844, 845, 847, 848-852, 857-875, 920, 1152, 1272-1446, 1465-1472, 1478, 1516-1542, 2191, 2216, 2778, 2823, 3317.

ties, which were to sell them and use the proceeds for roads and bridges. The county court was given jurisdiction in fixing the value of the lands and the supervision of their sale by the drainage commissioner.³ Under the prohibitory act of 1855 the County Judge appointed agents to buy liquor and sell it for medicinal, mechanical, and sacramental purposes. The Judge fixed their compensation, and drew from the county treasury such sums as he thought necessary for the purchase of the liquor.⁴ This plan remained in effect for less than two years.⁵

A law passed in 1858 made it the duty of the County Judge to cause such of the general laws, passed at any future session of the legislature, as he might consider of interest to the people of his county to be published in two weekly newspapers, if so many were published in the county. The rate for publication was not to exceed thirty-five cents a thousand ems.⁶

It will be noticed that at the present time the powers that were conferred upon the County Judge are, so far as they now exist, divided among the district court, the clerk of the district court, the county attorney, the county auditor, the board of supervisors, the county commissioners of insanity, and the justices of the peace.⁷

³ *Laws of Iowa*, Fourth General Assembly, Chapter 12.

⁴ *Laws of Iowa*, Fifth General Assembly, Chapter 45, Sections 3 and 4.

⁵ Repealed on February 21, 1857.—*Laws of Iowa*, Sixth General Assembly, Chapter 157.

⁶ *Laws of Iowa*, Seventh General Assembly, Chapter 151.

⁷ For example, the district court hears probate matters; the clerk of the district court issues marriage licenses; the county attorney brings suit on behalf of the county; the county auditor issues orders upon the county treasurer for payment of bills properly allowed; the board of supervisors makes the county tax levy; the commissioners of insanity determine whether or not an individual is insane; and justices of the peace hold, as indeed they might hold in the County Judge period, preliminary examinations in criminal cases. For further examples, consult the *Code of 1897* and the *Supplement of 1907*.

Up to 1853 the County Judge was exempted from the necessity of giving bond; but from that time on a bond was required to the amount of ten times his salary.⁸ The salary was from \$100 to \$800 a year, according to the population of the county.⁹ The same act that required County Judges to give bonds provided that thereafter they should be elected for only two instead of four year terms.

While Mr. Bowman refers to the county judge system as one of as novel experiments in government as have been made anywhere in the United States, he regards the office as merely an extension of the office of probate judge.¹⁰ The language of the *Code* indicates that the system combines the functions of county commissioners and those of the judge of probate, both of which offices were in existence until the county judge system went into effect.¹¹

To the writer, however, there appear such similarities to the system of colonial Virginia — which was followed elsewhere in the South as well — as to make it seem not improbable that the Iowa system had its genesis in that early English colony.

According to the Virginia system there was a county court consisting of eight or more gentlemen, called justices of the peace, which held monthly sessions. Judicially it had cognizance of ordinary civil and criminal cases, with various exceptions at different times in the history of the colony. The court also had jurisdiction in chancery cases and in orphans' causes. The management of county business was in the hands of the same body. Among its duties in this line were to erect and keep in repair the county courthouse, to

⁸ *Laws of Iowa*, Fourth General Assembly, Chapter 40.

⁹ *Code of 1851*, Section 211.

¹⁰ Bowman's *The Administration of Iowa in the Columbia University Studies*, Vol. XVIII, p. 171.

¹¹ *Revised Statutes*, compiled in 1842-1843, Chapters 31 and 36.

clear the rivers of obstructions, to take sole charge of highways, bridges, etc., to appoint road surveyors, to license taverns, to issue certificates for land grants, and to lay the county tax levy.¹²

The similarity of the powers of the Virginia county court to those of the Iowa county court is evident. The only striking difference is that in Iowa one official constituted the court, while in Virginia the court had several justices. In Iowa, too, the County Judge was, of course, elected by the voters of the county; whereas the Virginia justices were originally appointed by the Governor and then generally managed to make their body self-perpetuating.¹³

It seems unlikely that the same peculiar idea of government which so closely connected the judiciary with the other departments of the government in Virginia should spring up, without external influence, in so democratic a State as was early Iowa. Moreover, Professor Jesse Macy, an eminent authority on institutional history, declares that some of the early settlers of Iowa were familiar "with county government as it exists in the South".¹⁴ Among these there were doubtless some who were cognizant of the Virginia system. Further, Stephen Hempstead, one of the three commissioners who prepared the *Iowa Code of 1851*, had lived in Missouri and also in Illinois,¹⁵ where southern ideas of government were prominent.

The county court system worked pretty well in Virginia,

¹² Chitwood's *Justice in Colonial Virginia* in the *Johns Hopkins University Studies*, Series XXIII, pp. 473-491; Channing's *Town and County Government* in the *Johns Hopkins University Studies*, Series II, p. 477; and Ingle's *County Government in Colonial Virginia* in the *Johns Hopkins University Studies*, Series III, pp. 191-199.

¹³ Fiske's *Old Virginia and her Neighbors*, Vol. II, p. 42.

¹⁴ Macy's *A Government Text-Book for Iowa Schools*, p. 3; and Macy and Geiser's *The Government of Iowa*, p. 4.

¹⁵ Gue's *History of Iowa*, Vol. IV, p. 125.

but this could not be said of the Iowa county judge system. In some counties in Iowa there were apparently no complaints against the administrations of the judges, but the operation of the system proved unsatisfactory to the people of the State as a whole — autocratic rule, inefficiency, and corruption being the chief objections urged.

Of the possibilities of misgovernment by means of this system in a county of fair size and population under normal conditions, Pottawattamie County affords probably the best example. Furthermore, it appears from the investigations of the writer that this is the only county in which a County Judge was removed from office. The experience of Pottawattamie County with the system is interesting, moreover, in that it was urged in 1860 as a concrete reason for the abolition of the system.

In Pottawattamie County resignations from and elections to the County Judge's office were frequent. In the nine years of the system's existence twelve different men acted as County Judge. Of these seven were elected, three acted in accordance with the statute authorizing the prosecuting attorney to act as County Judge in the absence or inability of that official, and two, who were clerks of the district court, acted as County Judge on necessary occasions.

The first County Judge in Pottawattamie County was Thomas Burdick, who had been clerk of the board of county commissioners, and who, on August 4, 1851, was elected to the newly created office.¹⁶ This was in the period of the Mormon domination of the county. The division of the county into precincts and, later, the discontinuance of the former division and a division into three townships,¹⁷ seem the most important incidents of his term of service.

¹⁶ Minute Book Number I of Pottawattamie County Court, p. 1, (to be found in the County Auditor's Office, Council Bluffs, Iowa).

¹⁷ Minute Book Number I of Pottawattamie County Court, p. 15.

Evidence of what seems a primitive method of handling county business, at least so far as administering public charity is concerned, is an entry in Judge Burdick's record¹⁸ wherein he says that on January 1, 1853, he gave one Robert Weir the following paper:

The bearer, Mr. Robert Weir, informs me under oath, that his limbs are frozen, that he is destitute of means, that he needs boarding and medical aid, without which he feels that he must perish. If any one will have compassion on him, and render him the necessary assistance, he shall be reasonably rewarded from county means.

T. BURDICK, Co. Judge.

Judge Burdick served until May 14, 1853, about which time he removed from Council Bluffs. Thereupon G. A. Robinson, prosecuting attorney, assumed the office and acted until the August election, when Frank Street was chosen County Judge.

Political feeling was strong in Judge Street's time, and on May 9, 1855, he felt it necessary to reply to an anonymous article attacking him under the caption "Spoils Association" in the Council Bluffs *Bugle*. Writing in *The Council Bluffs Chronotype*, a Whig paper,¹⁹ Street denied the charge made against him by the *Bugle* correspondent that a jail which the county was building had cost \$1,600. In reply to an assertion that the Know Nothings met in his office, the Judge suggested that the writer of the "Spoils Association" belonged to the Know Nothings in a more literal acceptance of the term.

The following August,²⁰ however, Judge Street, who had been nominated by the Whigs for reelection, was defeated by the Democratic candidate, Joseph Hall — characterized

¹⁸ Minute Book Number I of Pottawattamie County Court, p. 12.

¹⁹ *The Council Bluffs Chronotype*, May 9, 1855, Vol. I, No. 22.

²⁰ *The Council Bluffs Chronotype*, August 8, 1855, Vol. I, No. 35.

by a later writer as "a plain, honest farmer";²¹ — who received a small majority. Judge Hall found little enjoyment in an office of such varied judicial and executive duties, and A. V. Larimer, prosecuting attorney, frequently acted as County Judge, even in the first month or two of Judge Hall's incumbency.²² Indeed, for the quarter ending October 1, 1855, Hall received but \$10.57 in full for his services as County Judge.²³ He resigned the office after holding it for a short time, and Larimer officiated most of the time, though on a number of occasions the signature of C. Eubank, clerk of the district court, appears on the record as Acting County Judge. R. L. Douglass, who seems to have succeeded Larimer as prosecuting attorney, also issued some orders in the period preceding the next election, as well as in the term following it.²⁴

At the April election in 1856, W. C. James, a young lawyer of considerable prominence, was chosen County Judge. He served from April 11, 1856, to August 11, 1857. It was during his term of office that there first became prevalent the rumors of poor management of county business which, growing more insistent with each new incumbent, finally culminated in the removal and indictment of a later County Judge. The swamp land fund formed the chief subject of comment in connection with the administration of Judge James. The real cause of complaint was the lending of swamp land money on alleged poor security; but at this time Judge James was erecting a brick building in Council Bluffs, and one morning people read the words, "Swamp

²¹ Bloomer's *Notes on the History of Pottawattamie County* in the *Annals of Iowa* for April, 1872, Vol. X, No. 2, p. 134.

²² Minute Book Number I of Pottawattamie County Court, pp. 131-138.

²³ Minute Book Number I of Pottawattamie County Court, p. 138.

²⁴ Minute Book Number I of Pottawattamie County Court, pp. 138-171.

Land Block'', chalked in bold letters on the unfinished walls.²⁵

Judge James's term was to expire in August, 1857; and in July of that year the Democrats nominated Samuel Knepper for the office. D. S. Nye was a candidate for the nomination, but on the second ballot was defeated by one vote, though it was alleged by his friends that there had been unfairness in the election of delegates in Kane Township. Nye had some aspirations for the district judgeship, it was asserted, but, fearing that he would be unsuccessful in that direction, he became an independent candidate for County Judge.²⁶ Nye made his campaign on a reform platform, promising to make an exhibit of the county's financial condition. Knepper, it was claimed, had the support of Judge James and would pursue, if elected, a course similar to that of his predecessor. This, according to the *Council Bluffs Bugle*,²⁷ the editor of which had supported Nye in the Democratic convention though he subsequently supported the regular nominee, was responsible for Knepper's de-

²⁵ Personal conversation with Homer H. Field, then a resident of Council Bluffs.

²⁶ *Daily Morning Bugle* (Council Bluffs), August 3, 1857, Vol. I, No. 2.

²⁷ *Daily Morning Bugle* (Council Bluffs), August 6, 1857, Vol. I, No. 5:

"It was generally supposed, before the election, that the affairs of the county had been conducted badly by the County Judge then in office, and there appeared to be a fixed determination on the part of a portion of the Democracy to vote against any man who the incumbent was willing to support. . . . [The Republicans] succeeded in making the people believe that Mr. Knepper was connected in some way with the incumbent in office, and that he would pursue the same course, if elected, as his predecessor. . . .

"Now, we hope to see the pledges made by Mr. Nye faithfully carried out. Let him make a full exhibit of the county affairs. Let him show how much money has been paid into the treasury and from what source obtained; how much paid out, and to whom paid; how much the county is in debt, and on what account the debts were contracted; in what condition the swamp lands are placed, whether any of them have been sold and to whom sold; whether any money has been received from the sale, and how much, and to whom loaned, and at what interest. In short, we hope to see a *perfect* and *impartial*

feat, Nye being elected by a vote of 430 to 285.²⁸ The Republicans had put up no candidate, but generally supported Nye.

Nye's administration was no more satisfactory than James's had been, though he did make some sort of report²⁹ and tried to straighten out the swamp land pre-emption record.³⁰ In advocating the purchase of a poor farm the editor of the *Bugle* on November 10, 1857,³¹ remarked that over two years before, according to his recollection, the people had voted to use for this purpose the proceeds of the sales of swamp lands, but Judge James had lent out this money and Nye was doing the same. It was Nye's duty, the *Bugle* thought, to call James to account and require at least that the sum set apart be paid into the

exhibit of the county affairs. Let the people know how the matter stands. . . . If there has been any wrong committed, let the wrong-doer be exposed; if none has been committed, let the character of the former officers be vindicated."

²⁸ *Daily Morning Bugle* (Council Bluffs), August 11, 1857, Vol. I, No. 9.

²⁹ The writer has been unable to find a copy of this report, but it is referred to in the statement headed, "Where does the Money Go?"—*The Council Bluffs Weekly Nonpareil*, October 9, 1858, Vol. II, No. 24.

³⁰ *Daily Morning Bugle* (Council Bluffs); October 7, 1857, Vol. I, No. 58: "Upon a careful examination, I find many errors in the Records of Pre-emptions on the SWAMP LANDS of this county.

"In some cases there have been two pre-emptions of the same tracts, in others the lands are wrongly described.

"To enable me to make Deeds and avoid errors as far as possible in the future, it is absolutely necessary that all pre-emption certificates should be registered.

"I therefore request all holders of certificates to bring them in immediately.

"It will also be advisable for parties having deeds for Swamp Lands not recorded, to bring them in for registry in this office for record, as some of them may be re-sold.

"All parties will take warning.

D. S. NYE,

County Judge."

"Oct. 7, 1857."

³¹ *Daily Morning Bugle* (Council Bluffs), November 10, 1857, Vol. I, No. 87.

treasury. Why not spend part of the sum for roads and bridges? asked the *Bugle* two days later.³²

In the spring of the following year Nye bought the land for a poor farm, but, it was claimed, at an exorbitant price, and a storm of indignation broke in the county.³³ Some question arose as to the legality of the Judge's action, but the legislature, which was then in session, promptly passed a bill ratifying it.³⁴ The bill was introduced by W. H. M. Pusey, Senator from the district in which Pottawattamie County was situated. He had been, it was said, a supporter of Nye and believed in the Judge's integrity.³⁵ Three weeks before Mr. Pusey had been one of a majority in the Senate which indefinitely postponed a bill to establish a board of county commissioners.³⁶ The bill had passed the house by a small majority.³⁷ In this session of the legislature the county judge system as it then existed might, it is said, have been abolished had only the members of the two houses been able to agree on a substitute.³⁸

To return to the situation in Pottawattamie County, some of Judge Nye's bondsmen withdrew³⁹ and the Judge resigned his office on May 1, 1858.⁴⁰ *The Council Bluffs Weekly Nonpareil*, a Republican paper which had supported

³² *Daily Morning Bugle* (Council Bluffs), November 12, 1857, Vol. I, No. 89.

³³ Bloomer's *Notes on the History of Pottawattamie County* in the *Annals of Iowa* for July, 1872, Vol. X, No. 3, p. 183.

³⁴ *Senate Journal*, 1858, p. 502; *House Journal*, 1858, pp. 177 and 181; *Laws of Iowa*, Seventh General Assembly, p. 142.

³⁵ *Daily Morning Bugle* (Council Bluffs), September 22, 1857, Vol. I, No. 45; *Weekly Council Bluffs Bugle*, February 8, 1860, Vol. IX, No. 42.

³⁶ *Senate Journal*, 1858, p. 301.

³⁷ *House Journal*, 1858, pp. 374-375.

³⁸ *The Council Bluffs Weekly Nonpareil*, Dec. 17, 1859, Vol. III, No. 34.

³⁹ Bloomer's *Notes on the History of Pottawattamie County* in the *Annals of Iowa* for July, 1872, Vol. X, No. 3, p. 183.

⁴⁰ Minute Book Number I of Pottawattamie County Court, p. 312.

Nye's candidacy, had apparently arrived at about the same estimate of the official as that of the Democratic *Bugle*, for, under the heading "Concluded to Slide", it remarked: "Our 'able and efficient County Judge' has resigned and vamoosed the ranche, unable longer to withstand the 'spurns that patient merit of the unworthy [ever] takes.' We wish him a long life of retirement, and hope that he may retain in their pristine purity, the 'blushing honors,' that he has twined around his brow, since his elevation to the County Judgeship."⁴¹

Dissatisfaction with the workings of the county judgeship reached its climax in the term of the next incumbent, John H. Sherman, who, as prosecuting attorney, succeeded to the office of County Judge in accordance with the statute, on May 3, 1858.⁴² Judge Sherman was a man probably slightly under middle age, agreeable and popular but not physically strong.⁴³ That he was a man of education is shown by the strictly correct and pleasing English used in letters written by him in connection with the investigation of his official acts. His penmanship, as seen in the records of his office, might almost be called artistic. In 1855 Sherman was practicing law in Omaha City, Nebraska,⁴⁴ but in 1856 moved his office to Council Bluffs and went into partnership with George Snyder,⁴⁵ who as early as September, 1855, had had his law office with the County Judge.⁴⁶ In October, 1856, Mr. Sherman was elected prosecuting attor-

⁴¹ *The Council Bluffs Weekly Nonpareil*, May 8, 1858, Vol. II, No. 2.

⁴² Minute Book Number I of Pottawattamie County Court, p. 312.

⁴³ Personal conversation with N. P. Dodge.

⁴⁴ His professional card, giving his address as Omaha City, appears in various issues of *The Council Bluffs Chronotype* in 1855.

⁴⁵ The partnership professional card appears in issues of the *Daily Morning Bugle* for 1857, the card being dated June 20, 1856.

⁴⁶ In issues of *The Council Bluffs Chronotype* in the autumn of 1855, Snyder's professional card states that his office is "with the County Judge".

ney.⁴⁷ From August 25th to October 9th he acted as County Judge in place of Judge James, the regular incumbent, and on October 2nd did the important work of making the tax levy.⁴⁸ Mr. Sherman was prominent in local Democratic politics, and was one of the four Pottawattamie County delegates to the State convention of his party, held at Iowa City on August 26, 1857. At the convention he was a member of the committee on resolutions, and on the first four ballots for a nominee for lieutenant governor he received from eleven to eighteen votes, his name being withdrawn after the fourth ballot.⁴⁹ In Judge Nye's term Mr. Sherman frequently officiated as County Judge,⁵⁰ so he was apparently well qualified for his duties when he came to the office in the spring of 1858.

According to the provisions of the law at that time there would be an election to fill the office of County Judge in October — the next election after Nye's resignation. C. Voorhis became an independent candidate; Dexter C. Bloomer was nominated by the Republicans; and Acting Judge Sherman was placed on the Democratic ticket.⁵¹ The *Nonpareil*, which was a Republican sheet, accused Sherman as well as his two predecessors, James and Nye, of dishonesty, declaring that "twenty thousand dollars would not more than balance the losses which this county has sustained within the last two years, by the peculations of County Judges." "If it is the desire of the people of Pottawattamie county, to perpetuate the misrule inaugurated

⁴⁷ Bloomer's *Notes on the History of Pottawattamie County* in the *Annals of Iowa* for April, 1872, Vol. X, No. 2, p. 135.

⁴⁸ Minute Book Number I of Pottawattamie County Court, pp. 178 and 180.

⁴⁹ *Daily Morning Bugle* (Council Bluffs), August 25, 1857, Vol. I, No. 21; September 2, 1857, Vol. I, No. 28; September 3, 1857, Vol. I, No. 30.

⁵⁰ Minute Book Number I of Pottawattamie County Court, pp. 215-311.

⁵¹ *The Council Bluffs Weekly Nonpareil*, September 25, 1858, Vol. II, No. 22; October 9, 1858, Vol. II, No. 24.

by W. C. James, and improved upon by D. S. Nye", the editor further declared, "they cannot do better than to cast their suffrages for the present acting County Judge, J. H. Sherman." ⁵²

In a later issue of the *Nonpareil*⁵³ appeared a statement, signed by "Many Voters", containing certified copies from the records of the county of two deeds and two mortgages issued while Sherman was acting as County Judge in place of Judge James in May, 1857. The records showed that on May 18th Sherman, as Acting County Judge, sold to George Snyder, his law partner, one and a half quarter sections of swamp land for \$200. Two days later Snyder borrowed from Pottawattamie County \$400, giving a mortgage on one quarter section of the land he had just purchased. On May 18th Acting County Judge Sherman also sold him another quarter section of swamp land for \$400. On the very same day Snyder borrowed \$1,170 from the county on this land and another quarter in an adjoining section, which was alleged to have been already heavily incumbered. Though the loans were for three years at ten per cent interest per annum, Snyder had paid neither interest nor principal. The account of these transactions was subsequently verified by a committee that investigated Sherman's official acts.⁵⁴

That the county was at this time in financial straits is shown by the following entry on the record of the county court, under date of October 7, 1858:—⁵⁵

Ordered that Wm. Baker [Sheriff] be allowed Four Hundred Dollars to discount for cash, to enable him to take Cyrus Wills, convicted of larceny to Penitentiary it being impossible to raise the money in any other way.

⁵² *The Council Bluffs Weekly Nonpareil*, July 31, 1858, Vol. II, No. 14.

⁵³ *The Council Bluffs Weekly Nonpareil*, October 9, 1858, Vol. II, No. 24.

⁵⁴ *The Council Bluffs Weekly Nonpareil*, March 19, 1859, Vol. II, No. 47; *Weekly Council Bluffs Bugle*, March 16, 1859, Vol. VIII, No. 47.

⁵⁵ Minute Book Number I of Pottawattamie County Court, p. 375.

On October 12th the election occurred, and Sherman, with the rest of the Democratic ticket, was victorious by a majority of over 200 votes. That night a crowd of Sherman supporters manifested their enthusiasm by singing in the streets of Council Bluffs these words:

Where now is John H. Sherman?

Where now is J. H. Sherman?

Where now is Johnny Sherman?

He's again the people's choice.

He has made our roads and bridges,

He has cut our swamp land ditches,

He has drained our lands the richest—

Hark! that shout the people's voice.

The editor of the *Nonpareil* remarked that the bard forgot to mention the fact that "Johnny" had "not only drained our lands, but our County Treasury." ⁵⁶

Sherman's term continued without public incident until the following January. It was then that, in an accidental way, the investigations began which led to the retirement of "the people's choice". An agitation arose for the issuance of \$100,000 of county bonds to the Mississippi & Missouri Railroad Company in return for capital stock of the company. Nearly two years before ⁵⁷ the citizens had voted to issue \$300,000 in county bonds when the road should be under construction in the county, and now officials of the road, representing that they were going to begin work in the county, asked for bonds to one-third of the original amount. A remonstrance was filed with Judge Sherman by Joseph E. Johnson, editor of the *Crescent City Oracle* and a friend and supporter of Sherman, and a number of others. Judge Sherman hesitated. A meeting of citizens was held with

⁵⁶ *The Council Bluffs Weekly Nonpareil*, October 16, 1858, Vol. II, No. 25.

⁵⁷ Minute Book Number I of Pottawattamie County Court, pp. 203-204, gives the official report of the election.

the intention of determining upon action to compel the issuance of the bonds. In the course of the meeting criticism was made of Sherman's official conduct, and, in pioneer fashion, a committee was appointed to investigate it. The committee met on the following day but declined to wait upon Judge Sherman at the appointed time, as he was signing the railway bonds and the committee did not want to interrupt him in this, which was regarded as the primary object of the citizens' meeting.⁵⁸

This did not satisfy some, however, and a petition was drawn up, and subsequently signed by 220 citizens, asking Thomas Officer, H. C. Nutt, and J. P. Casady to act as a committee to investigate Judge Sherman's official acts. The committee accepted the mission, but Judge Sherman, while stating that he did not wish to conceal any of his acts, insisted that the investigation be by a legally constituted tribunal, and suggested that the district court grand jury would be in session on the following Monday (February 7, 1859).⁵⁹

Judge Sherman's suggestion received a response. On February 18th, twelve of the fifteen members of the grand jury made a signed and sworn presentment, charging Judge Sherman "with wilful maladministration in office", asking his suspension until a full and fair investigation could be made, and further requesting that the books, papers, and administration of the office of the County Judge be investigated, commencing with the term filled by Frank Street.⁶⁰

⁵⁸ *The Council Bluffs Weekly Nonpareil*, February 5, 1859, Vol. II, No. 41; July 23, 1859, Vol. III, No. 13; *Weekly Council Bluffs Bugle*, March 30, 1859, Vol. VIII, No. 49.

⁵⁹ *The Council Bluffs Weekly Nonpareil*, February 5, 1859, Vol. II, No. 41.

⁶⁰ The District Court record states that the "Grand Jury appeared in open Court and presented . . . a complaint signed by 12 of their number against John H. Sherman as County Judge, for official Maladministration in office

The presentment alleged that during his administration, from May 4, 1858, to February 15, 1859, Sherman issued county warrants to the amount of \$31,093.26, of which \$1,434.36 was marked cancelled, leaving a balance outstanding of \$29,658.90. It was further charged that large amounts of county orders were issued for building bridges, when no contract, verbal or written, was made as to the price. Large amounts of warrants besides these had, according to the presentment, been issued for a greater amount than the bills rendered; "in some cases three dollars for one, and in one case four dollars for one . . . in the majority of cases, two dollars for one". Further charges were that Judge Sherman had issued warrants payable to himself and had kept the books of the office negligently. (For the complete text of the presentment see Document A below, p. 506).

It was later stated, by a committee which included one member of this grand jury, that an indictment would doubtless have been returned had not two or three of the grand jurors been directly or indirectly interested in the county bridge transactions.

On the following day Judge Sherman, in response to a summons, appeared by his attorneys, Clinton & Baldwin, and took advantage of the code provision requiring notice of a complaint ten days before the opening of the term at which it was to be heard. Judge E. H. Sears of the district court, therefore, continued the case until the August

also a petition signed by four of their number that a committee be appointed by this court to thoroughly investigate the affairs of the County officers of this county, all of which were filed in open court by the Clerk."—Record of the District Court in and for Pottawattamie County, Book B, pp. 540 and 541.

The complaint is not contained in the record, but is published in full in *The Council Bluffs Weekly Nonpareil* of February 19, 1859, Vol. II, No. 43. This complaint asks that an investigation be made, but no mention is made of a committee. nor does the newspaper contain any reference to the petition signed by four grand jurors.

term and declined to suspend Judge Sherman, deciding that he had not the authority to do so.⁶¹

On the same day a meeting of the citizens determined to seek a thorough investigation of the County Judge's office, from the commencement of Frank Street's administration. The *Nonpareil* advocated editorially "the utter wresting of the County Treasury from the thieving crew who are now fattening upon the corruption and spoils of office."⁶²

Another citizens' meeting was held on the morning of the next Saturday, February 26th. A second session took place in the afternoon at which, after a committee had reported and Judge Sherman had spoken in vindication of his official acts, extensive and radical resolutions were adopted. Four of these resolutions, which seem to portray very clearly the temper of the people, were as follows:—

Resolved, That we, the people of Pottawattamie County, in Mass Convention assembled, with a full conviction of the rectitude of our intentions, with firm reliance upon the intelligence of our people, with an unconquerable aversion to the folding of our hands and sitting quietly by, whilst the community are being defrauded out of their substance, and the county hastened on to a state of absolute bankruptcy, must and will terminate the corrupt administration of John H. Sherman.

Resolved, That a committee of twenty-five of our citizens, being tax-payers and legal voters in this county, be appointed by this Convention, whose duty it shall be, in the event that John H. Sherman will neither resign nor permit a competent committee to examine into the affairs of the county, connected with the office of the County Judge, to proceed on next Monday morning, at 10 o'clock, and take possession of all books, papers, etc., belonging to the office of the County Judge, and place them in the hands of Messrs. Officer, Nutt, and Casady for investigation.

Resolved, That during this contemplated investigation, and after

⁶¹ Record of the District Court in and for Pottawattamie County, Book B, p. 543; *The Council Bluffs Weekly Nonpareil*, March 5, 1859, Vol. II, No. 45.

⁶² *The Council Bluffs Weekly Nonpareil*, February 26, 1859, Vol. II, No. 44.

next Monday morning, all acts of John H. Sherman, as County Judge, in issuing County Orders, making contracts, or having reference to our county affairs in any manner whatever, will be utterly repudiated by the people of Pottawattamie County.

.

Resolved, That if the committee of twenty-five on application to the County Judge for the books and papers of his office are refused, as heretofore, we, *en mass* agree, and pledge our sacred word and honor, to be on hand, Monday morning next, at 10 o'clock, before the office of the County Judge, to insist upon our rights, and aid the committee in any measure they may think proper to adopt, for the purpose of accomplishing their object.⁶³

There were reports that Judge Sherman's supporters might make physical resistance, but on Monday the committee met and sent an address to Judge Sherman, who suggested Thomas J. Latham, Laz. Noble, and D. C. Bloomer as suitable for an investigating committee. The committee of twenty-five agreed with him, and so this committee and Judge Sherman held a meeting at which stipulations were made that Judge Sherman should not interfere with the books or draw orders on the county treasury until after the investigation, and that, if he should not act in good faith with the investigators or if they should report corruption in his office, he should immediately tender his resignation. The investigators were thereupon instructed to examine the administration of each County Judge back to the term of T. Burdick.⁶⁴

So far as Judge Sherman's administration was concerned the report of the committee⁶⁵ was similar to the

⁶³ *The Council Bluffs Weekly Nonpareil*, March 5, 1859, Vol. II, No. 45.

⁶⁴ *The Council Bluffs Weekly Nonpareil*, March 5, 1859, Vol. II, No. 45.

⁶⁵ The report of the committee, which is in two parts, is published in full in *The Council Bluffs Weekly Nonpareil* of March 12 and March 19, 1859, Vol. II, Nos. 46, 47; and in the *Weekly Council Bluffs Bugle* of March 9 and March 16, 1859, Vol. VIII, Nos. 46, 47.

allegations in the grand jury presentment, except that the committee made no charges of wilful maladministration. "Whether Judge Sherman has profited by the extravagance which has marked his administration", declared the committee, "we have not the means of deciding". (For the Report of the Committee of Twenty-five and the Report of the Committee of Three, see Documents B and C below, pp. 507, 513).

An interesting and significant feature of the report is the following exhibit of the amount of the warrants issued by the various County Judges who had served in Pottawattamie County:

Thomas Burdick, Aug. 4, 1851, to May 13, 1853	\$ 5,142.15
G. A. Robinson, May 14, 1853, to Aug. 13, 1853	452.00
Frank Street, Aug. 13, 1853, to Aug. 14, 1855	13,383.32
Jos. Hall, A. V. Larimer, and R. L. Douglass, Aug. 14, 1855, to April 11, 1856 (exclusive of \$1,124.42 issued in lieu of orders cancelled)	3,990.06
W. C. James, April 11, 1856, to Aug. 11, 1857	14,252.69
D. S. Nye, Aug. 11, 1856, to May 4, 1858	23,577.14
J. H. Sherman, May 4, 1858, to Feb. 28, 1859	33,668.75
Total	<hr/> 94,466.11

It will be noticed that Judge Sherman, who served less than one-tenth of the total period, issued warrants to more than one-third of the total amount. This is, of course, partly but not entirely explained by the increase in the population of the county. The committee found, moreover, that since Judge Sherman had begun acting as County Judge, county orders had fallen from seventy-five to twenty-five, and in some instances to fifteen cents on the dollar—which may, from the viewpoint of to-day, be ascribed, to a limited extent, to the panic and hard times of 1857 and 1858. Judge Sherman declared that his reason for issuing warrants in excess of the amount of bills rendered in some

cases was because the county could not buy material or get work done for warrants at par. In some other cases he did not know how the over-issue occurred. One of the bridge contractors said that in making estimates he had figured county warrants at about fifty per cent.

Of the warrants issued by Sherman, the amount of \$15,-326.94, or nearly half the total, was for bridges. Some contracts had been made for these, but in most cases there were none. In explanation of this the Judge stated that the previous bridges had been swept away by floods and had had to be rebuilt at once.

The total amount of swamp land warrants issued since the swamp lands were turned over to the county was reported at \$11,718.04, spent largely for ditches, bridges, and levees. The amount of these warrants issued by Judge Sherman was not stated. He had ordered the reclamation of swamp and overflowed lands, and a considerable amount of work was done, but the control and management of the reclamation had been turned over by Judge Sherman to the drainage commissioner, D. S. Jackson.

The committee found no entries in the probate or road books during Sherman's administration, and few entries showing the proceedings of the county court since May 4, 1858. The Judge's books, papers, and records, according to the investigators, were "in a state of gross and lamentable confusion." This was due, Judge Sherman declared, to illness of himself and family.

The issuance of warrants payable to Mr. Sherman himself was taken up by the investigators, who found the amount thus issued "for services" to be \$440.25. The writer finds entered in the record book of Judge Sherman's office entries of regular orders issued to himself to the amount of only \$257.05. These were for "services" or

"services &c." The report of the committee state, however, that some orders were issued with no minute on the minute or record book.

With respect to previous administrations, the investigators reported: "We have not found any material irregularities in the proceedings of Judges Street, Hall, Larimer, James and Nye." Mention was made of securities for swamp land loans, on file with the district clerk, amounting to \$18,149.59. These were all made in 1857, mostly by Judge James, and on all but one loan the interest and the principal were unpaid at the time when the investigators reported.

There were no accounts in the Judge's books with the various funds or with the county treasurer, the committee went on to say, relative to "receipts or disbursements of Road Fund, School Funds, County Lands, or Swamp Land Funds." This remark was applied to all the Judges except Street and James, "who partially commenced an account with some of the funds."

The committee of twenty-five voted to appoint J. D. Test, Frank Street, and R. H. Williams, to institute legal proceedings for the redress of injuries due to Judge Sherman's maladministration. So far as it has been possible to ascertain, this committee started no proceedings, but Street assisted the prosecution in the removal suit. Judge Sherman continued in office. The *Nonpareil*, in midsummer, declared that the County Judge was still perpetrating "his villainies" almost daily, but predicted his renomination by the Democratic party.⁶⁶ When pressed by the *Bugle*⁶⁷ for concrete instances of Sherman's almost daily villainies, the *Nonpareil* gave no examples.

⁶⁶ *The Council Bluffs Weekly Nonpareil*, July 23, 1859, Vol. III, No. 13, and August 6, 1859, Vol. III, No. 15.

⁶⁷ *Weekly Council Bluffs Bugle*, August 3, 1859, Vol. IX, No. 15.

At the August term of court the accusers of Sherman filed an amended complaint. The defendant made a motion to reject the information, which was sustained as to the first charge and overruled as to the remainder. A motion for a more specific statement was sustained, and after this was filed the case came on for trial before a jury on Saturday, August 13, 1859. R. B. Parrott, district attorney, Frank Street, and D. C. Bloomer represented the complainants; Clinton & Baldwin, the defendant. The jury remained out only a short time, then came in with the verdict: "We the Jury find the Defendant guilty of habitual and wilful neglect of duty, and of Mal administration in office." The court ordered Sherman removed and declared the office vacant.⁶⁸ Sherman was ordered to deliver up the property and keys of the office to C. P. Kellogg, clerk of the district court, who executed some of the functions of County Judge until October, but issued no county warrants.⁶⁹

In September both political parties nominated candidates for the office of County Judge, the Democrats selecting W. R. Reel and the Republicans Job W. Damon. On September 17th, however, there occurred a convention of citizens at which it was resolved that it was the duty of every good citizen to ignore party nominations for county officers and to vote for honest and capable men irrespective of party.⁷⁰ The convention made no nominations, on the

⁶⁸ The record of the proceedings in the Sherman case at this term of court is contained in the Record of the District Court in and for Pottawattamie County, Book C, pp. 88, 118, 150.

⁶⁹ In the Warrant Book of the Pottawattamie County Court, a line is drawn across the pages after entry under date of August 5, 1859, and there is no further entry of warrants drawn till October 24, 1859.

See also for Mr. Kellogg's period of service, Bloomer's *Notes on the History of Pottawattamie County* in the *Annals of Iowa* for October, 1872, Vol. X, No. 4, p. 276.

⁷⁰ *The Council Bluffs Weekly Nonpareil*, September 24, 1859, Vol. III, No. 22.

ground that good men were already in the race as independent candidates. At the election on October 11th, J. P. Casady, independent candidate for County Judge, was victorious, receiving 356 votes to 290 for Reel and 197 for Damon.⁷¹

Judge Casady's administration, the last under the exclusive county judge system, was honest, economical, and efficient;⁷² but it was a long time before the county recovered from previous operations. The bridges that Judge Sherman had caused to be constructed were built merely of poles and slabs across the little creeks in the county.⁷³ The public school fund was in a deplorable condition.⁷⁴ Of money received from the sale of swamp lands, Judges James and Sherman had lent \$18,138.39 at ten per cent interest. The interest received in two years amounted to but \$547.45.

Meanwhile, John H. Sherman was indicted on three charges of misdemeanor and one of malfeasance in office. The cases came on for hearing at the February (1860) term of the district court. One of the indictments for misdemeanor was dismissed on demurrer. As to the other three indictments, Sherman represented that he was unable to employ counsel, and the court appointed A. V. Larimer as his attorney. On February 9th, Sherman waived arraignment, pleaded guilty, and was fined \$50 and costs on each indictment.⁷⁵ So far as the court fine records show

⁷¹ *Weekly Council Bluffs Bugle*, October 19, 1859, Vol. IX, No. 26.

⁷² *Weekly Council Bluffs Bugle*, February 1, 1860, Vol. IX, No. 49; Bloomer's *Notes on the History of Pottawattamie County* in the *Annals of Iowa* for October, 1872, Vol. X, No. 4, p. 285.

⁷³ Field and Reed's *History of Pottawattamie County, Iowa*, p. 40.

⁷⁴ John H. Keatley in *History of Pottawattamie County, Iowa*, published by O. L. Baskin & Co., p. 166.

⁷⁵ Record of proceedings in connection with these indictments is contained in the Record of the District Court in and for Pottawattamie County, Book C, pp. 196, 197, 209, 210.

the fines were not paid. Sherman apparently left Council Bluffs shortly after this time, as he is not mentioned further in newspapers or court records, except in a judgment rendered against him in a civil case a day or so later.⁷⁶

A little more than a month later the legislature voted to put the county judge system out of existence. In an act approved March 22, 1860,⁷⁷ a board of supervisors was to be elected in each county, consisting of one supervisor elected by each township and one additional supervisor in any township for every 4,000 inhabitants above 4,000. The act went into effect formally on July 4, 1860, but supervisors were not to be elected until November and were not to take office until the following January (1861), when the county judge system actually came to an end. The office of County Judge was retained, but with only judicial powers. The office ceased to exist in each county when the first elected county auditor took office in accordance with the statute — which under normal conditions meant January, 1870.⁷⁸

The abolition of the county judge system established by the *Code of 1851* was not accomplished, however, without some difficulty, the chief contention, as in 1858, being over what new plan should be adopted. The bill which finally passed got through the Senate by a majority of only three votes.⁷⁹ The Republican party, which was victorious in the State at large in the autumn of 1859, had come into power on a platform one plank of which declared that "the increasing county taxation is becoming so burdensome as to call imperatively for reform in the system of county ad-

⁷⁶ Record of the District Court in and for Pottawattamie County, Book C, p. 218.

⁷⁷ *Laws of Iowa*, Eighth General Assembly, Chapter 46.

⁷⁸ *Laws of Iowa*, Twelfth General Assembly, Chapter 160.

⁷⁹ *Senate Journal*, 1860, p. 456.

ministration.”⁸⁰ No definite means of reform had been agreed upon. Meanwhile, both before and after the opening of the session of the legislature, the newspapers of the State were full of editorial assaults on the county judge system, in which agitation the two Council Bluffs publications, the *Bugle* and the *Nonpareil*, were conspicuous. Petitions from at least twelve counties (some coming in a little before this time) to the General Assembly sought reform, but few mentioned specific abuses or advocated specific plans for legislative action.⁸¹ Fortified with personal knowledge of the workings of the system in Pottawattamie County, W. W. Maynard, editor of the *Nonpareil*, went to Des Moines for the session, and one writer gives him large credit for the adoption of the new law.⁸²

Senator W. H. M. Pusey and Representative S. H. Craig, both from Pottawattamie County, opposed the bill that was finally passed. Mr. Pusey favored a smaller board, with or without the County Judge as a member.⁸³ The exact position taken by Mr. Craig does not appear from the record.

⁸⁰ *The Council Bluffs Weekly Nonpareil*, July 2, 1859, Vol. III, No. 10.

⁸¹ Harold Martin Bowman refers to the fact that petitions were sent from the following counties: Black Hawk, Washington, Jones, Benton, Monona, Bremer, Delaware, Hamilton, Clayton, Jasper, Clinton, Jackson. The petitions, he states, are to be found in Box 40-2235, Vault in the office of the Secretary of State of Iowa.—Bowman's *The Administration of Iowa* in the *Columbia University Studies*, Vol. XVIII, p. 174. A petition signed by some citizens of Pottawattamie County sought the continuance of the county judge system, with increased salary, but when Senator Pusey presented it he stated that it did not represent the sentiment of the people of the county as a whole.—*The Council Bluffs Weekly Nonpareil*, February 11, 1860, Vol. III, No. 42.

⁸² Bloomer's *Notes on the History of Pottawattamie County* in the *Annals of Iowa* for October, 1872, Vol. X, No. 4, p. 285.

⁸³ James C. Hagans and W. H. M. Pusey, members of the Senate Committee on Township and County Organization, submitted a minority report, opposing the supervisor bill chiefly on the grounds that the system would be cumbersome, inefficient, expensive, and—because each township, irrespective of population, was to be given a member of the board—destructive of the true theory of a

Why the county judge system of Iowa worked in such a manner as to arouse popular demand for its abolition, is an interesting question. The Virginia system, generally similar, was successful. Oliver Perry Chitwood says that there is no mention of great abuses by Virginia county courts.⁸⁴

The reason that first comes to mind for the relative difference in the successful operation of the two systems is naturally the same argument that was used by Iowa newspapers opposed to the county judge system, namely, that it employed the autocratic and unrepugnant method of one-man rule. To be added to this reason, however, is the fact that Iowa had no wealthy men to elect to office. The salary of a County Judge was exceedingly small, and the duties were exceedingly numerous. This would readily tend to one of two results: the duties of the office would be neglected; or graft would occur. And these, while not present in all counties of the State, were the two chief evil results of the system. Again, in Iowa, in contrast to Virginia, there was strong political rivalry, and an office like that of County Judge could easily be prostituted for political purposes. It is these underlying circumstances, the writer believes, which led to the extraordinary condition of affairs in Pottawattamie County, and which made the county judge system intolerable to the mass of the people of Iowa.

NELSON ANTRIM CRAWFORD, JR.

COUNCIL BLUFFS, IOWA

representative government. "It is the opinion of the undersigned", the report concluded, "that while the people demand some change or modification of our present County Judge system, they do not require, nor would it be compatible with the interest of the State at large to grant so radical a change in our county government as is proposed by this bill."—*Senate Journal*, 1860, pp. 438-439.

For Senator Pusey's votes on various amendments and substitutes and finally upon the bill, see *Senate Journal*, 1860, pp. 440-444, 455-456.

⁸⁴ Chitwood's *Justice in Colonial Virginia* in the *Johns Hopkins University Studies*, Series XXIII, p. 491.

DOCUMENT A

PRESENTMENT BY THE GRAND JURORS

To the Honorable, the District Court in and for Pottawattamie County, Iowa, at the February Term thereof, A. D., 1859, J. L. Fetter and colleagues, accusers, against John H. Sherman, County Judge, accused, most respectfully charge that the said accused is guilty of wilful maladministration in office. That is to say:

That the said John H. Sherman, present County Judge of Pottawattamie County, Iowa, as the said accusers verily believe, has, during his administration as County Judge in and for said County, *to wit*: from the fourth (4th) day of May, A. D., 1858, to the 15th day of February, A. D., 1859, issued County Warrants to the amount of Thirty-one Thousand and Ninety-three 26-100 dollars (\$31,093.26), of which amount the sum of Fourteen Hundred and Thirty-four 36-100 dollars (\$1,434.36) is marked canceled; leaving a balance of County Orders, or Warrants, yet outstanding to the amount of Twenty-nine Thousand Six Hundred and Fifty-eight and 90-100 Dollars, (\$29,658.90.)

The said accusers represent, also, that large amounts of County Orders have been issued to persons for building bridges, in cases where no contract, verbal or written, was made with the County Judge, as to price for said bridges. And that large amounts of Warrants have been issued for a greater amount than the bills rendered; that is to say: in some cases three dollars for one, and in one case four dollars for one; that in the majority of cases, two dollars for one, besides those Warrants issued on Township Trustees Certificates.

The said accusers further represent and charge, that the Books and Papers of the County Judge, the accused aforesaid, are in a very disordered and deranged condition; so much so, that, owing to the limited time which the said accusers have to act, they are unable to make a full report on them, but have found enough to show that there has been much negligence on the part of the said accused in keeping the Books of his said Office, *to wit*: That, in one place, they find about two hundred Warrants of duplicate numbers, besides other instances of one or more numbers duplicated.

The said accusers also charge that the said accused has issued Orders or Warrants payable to himself.

Therefore, in consideration of the above and foregoing statements the said accusers, whose names are hereunto subscribed, the same constituting so many of the Grand Jury in and for the County and State aforesaid, and being electors therein, hereby represent that they verily believe the interests of the County require that John H. Sherman, County Judge, accused, be suspended from office until a full and impartial investigation of his books, papers, and administration, can be made; and that it would further tend to that purpose to examine and investigate the books, papers and administration of the office of the County Judge, commencing with the term filled by Frank Street. And hereby pray this Honorable Court, to grant the means therein vested so to do. Said accusers hereby subscribing their signatures, that the above charges are true, as they verily believe.

J. L. FETTER,	JOHN HUNTINGTON,
IRA PLATNER,	W. H. FOLSOM,
H. P. WARREN,	L. W. FRANK,
JAMES WALKER,	GEO. DOUGHTY,
E. CARTER,	JOSEPH J. TOWN,
WM. LYMAN,	JOHN HAMMER,

Subscribed and sworn to, before me, this 18th day of Feb., 1859.

C. P. KELLOGG.

Clerk District Court.

—Copied from *The Council Bluffs Weekly Nonpareil*, Vol. II. No. 43, February 19, 1859.

DOCUMENT B

REPORT OF THE COMMITTEE OF TWENTY-FIVE

Pursuant to adjournment last week, the Executive Committee, appointed by the Mass Meeting of the citizens of Pottawattamie County, on Feb. 26th, 1859, met at the office of A Cochran, at 10 A. M., the same having been called to order. On motion of Frank Street, a Committee of two (Henshall and Statsman) waited on the Investigating Committee, (Bloomer, Noble and Latham) to notify their readiness to receive reports.

On their arrival, the following report was tendered and read by Laz. Noble, the statistics of which were also tendered and read:

To the Executive Committee of twenty-five, appointed at the Mass Meeting of the citizens of Pottawattamie County, held on the 26th day of Feb., 1859.

Your Committee appointed to investigate the acts and proceedings of the several County Judges of this County, beg leave, respectfully to report, that we entered upon the discharge of our duties on the evening of the 28th instant, and have been employed in the same up to the present time.

That in the course of our investigations thus far, we have ascertained the following facts:

That the whole amount of Warrants issued by Thos.

Burdick, County Judge, from August 4, '51, to	
May 13, 1853, was	\$ 5,142,15
By G. A. Robinson, from May 14, 1853, to August 13,	
1853,	452,00
By Frank Street, from August 13, 1853, to August 14,	
1855,	13,383,32
By Jos. Hall, A. V. Larimer, and R. L. Douglass, from	
Aug. 14, 1855, to April 11, 1856,	3,990,06
By W. C. James, from April 11, 1856, to August 11,	
1857,	\$14,252,69
By D. S. Nye, from Aug. 11, 1857, to May 4, 1858	23,577,14
By J. H. Sherman, from May 4, 1858, to Feb. 28, 1859,	33,668,75
Making the total amount of County Warrants issued to	
Feb. 28, 1859	\$94,466,11
That of the above amount, there has been cancelled,	56,115,19
Leaving the total amount of Warrants now outstanding,	38,350,92

We have not had time, as yet, to examine the proceedings of any of the County Judges who preceded Judge Sherman, farther than was necessary to ascertain the amount of Warrants issued by them respectively, and the amount of the same which has been cancelled.

From the Minute Book, the Warrant Book and the Order Book, we have made a full list of the Warrants issued by Judge Sherman, since the 4th day of May, 1858, showing for what purpose, as near as could be ascertained, the same were issued.

These we have posted up as correctly as we could do, under the different heads of County Expenditures.

We thus find that the sum of \$33,668,75, was issued by Judge Sherman, for the following purposes to-wit:

For Certificates of balances of Warrants from County	
Treasurer,	\$ 4,368,15
For Bridges	15,326,94
“ Expenses of Poor in Kane Township	2,375,84
“ expenses of Poor in Crescent Township	501,50
“ Grand and Petit Jurors	1,872,84
“ J. H. Sherman for services	440,25
“ expenses of State Cases	300,00
“ expenses of County Offices	769,29
“ contingent expenses, (mostly printing)	2,051,33
“ Taxes refunded	25,10
“ Township Trustees, Clerks, etc.	340,10
“ Jail and Prisoners	1,227,51
“ County Officers and Deputies, exclusive of regular salaries of Judge, District Clerk, Treasurer	2,720,41
For expenses of elections	87,96
“ Laying out of roads	204,35
“ Books and Stationery	945,46
“ District Court	339,50
“ Wolf Scalps	10,50

We have hastily looked over the vouchers on the file in the County Judge's office, on which the above Warrants were issued.—They are not filed in order, and it would take a long time to examine them critically.

We laid aside a few of them for further examination.

A great many orders have been issued without any vouchers whatever.

For some of the Bridges, contracts were made for their construction, but in a majority of cases no contracts are on file and none were made.

With John P. Williams, who was paid \$5,233,35, for building five Bridges, no written contract was made. His account seems to have been overpaid \$280,12.

We find that a number of orders have been issued, for which no minute is made on the minute or record book of the County Court.

In one case, we find that an excess of \$50 was issued over the amount of bill rendered and allowed, and in another \$20.

We find that in one case, orders have been issued for four times the amount of the account, in several cases for three times the amount, and in quite a number of cases for twice the amount of bill rendered.

In many cases we think the bills for support of the poor are extravagantly large, but they are certified to be correct by the Township Trustees, in most cases.

In the issue of Warrants, the numbers have been duplicated from 670 to 690, inclusive, and from 657 to 856 inclusive on the register, besides single numbers in several instances. The mistakes seem only to be in the numbers. In other respects the Warrants corresponds with the entries on the books.

We found in the Safe the settlement sheets with the late School Fund Commissioner. They had not been filed and no entry had been made in the Minute Book of the settlement. We gave one copy to the Clerk of the District Court, who filed the same. From this settlement sheet, we find that Mr. Eggleston, on the 26th of January last, paid over to the County Treasurer, the sum of \$425,40, and that there was a balance unpaid in his hands of \$51,83. Mr. Eggleston, on the same day, deposited with the Treasurer, notes, mortgages and other securities taken for School money loaned, amounting to \$9,684,81.

We have made a list of these securities and would call the attention of the Committee to them, as it is very evident that many of them have become nearly, if not quite worthless.

We examined the securities taken for Swamp Land loans, on file with the District Clerk, and found them to amount to the sum of \$18,149,59.

These loans were all made in 1857, principally by Judge James, and the interest remains unpaid on all of them, except upon the amount loaned to Mr. Garner, upon which, Judge Sherman informs us, the interest has been paid.

We have made a list of these loans, and would call the attention of the Committee to them.

The Swamp Land Warrant Book was placed in our hands on Thursday afternoon.

We made out from it, a complete list of the Swamp Land War-

rants issued, stating the object for which each was issued which, we compared with the Minute Book.

We find the whole amount of Swamp Land Warrants issued, to be \$11,718.04.

We have posted this amount under the different heads of expenditures, and find them as nearly as we can ascertain, to be as follows:

Surveying Swamp Land and Boarding Engineers,	1,329,49
Paid D. S. Jackson for services and expenses,	1,704,05
Paid J. H. Wagoner for services and expenses,	1,022,63
Paid for work on Levees and Ditches,	6,947,57
Paid for work on Bridges and sloughs,	438,21
Paid to J. E. Johnson for Printing,	86,66
Paid J. H. Sherman for expenses,	20,00
Paid J. C. Orton Office Rent,	24,00
Paid W. R. Reel services as D. Commiss'r to April, 1857,	60,00
D. S. Nye do as Co Judge,	11,50
A. V. Larimer for legal services,	50,00

For want of the papers and books we have not examined any of the Contracts or Vouchers, or any of the books or papers connected with Swamp Land matters, except as above stated.

Judge Sherman informs us that about 5000 acres of land have been entered with Swamp Land Warrants.

Judge S. expresses himself willing to place all the Swamp Land papers in our hands for examination, but has hitherto neglected to do so.

During our examination we several times called upon Judge Sherman, to place in our hands all the Vouchers and Contracts in his office. The large Safe was opened to us, and we examined all the books and papers it contained, except in the small till, which has been kept locked. The large Secretary has been kept locked, and we have not had an opportunity of examining its contents. Judge Sherman now says, that there are a number of Vouchers and Contracts which we have not examined.

We find that no entries have been made in the Probate or Road Books during the administration of Judge Sherman.

We find in the minute Book no entries of any settlements with any county officers, and very few entries showing the proceedings

of the County Court since the 4th of May, 1858, such as were made by the County Judges previous to that time.

We are compelled to say in conclusion, that the duties of County Judge have been very imperfectly and negligently performed by Judge Sherman, and that the books, papers, records in his office are in a state of gross and lamentable confusion.

Judge Sherman states in excuse for this state of things, that sickness of himself and family, has prevented him from giving the necessary attention to the duties of the office, and that it is now his desire and intention to bring up the records of the County Court and place all the books and papers in his office in proper condition, and he requests that our investigations may now be suspended for a short time to enable him to do so.

Judge Sherman says in reference to the over issue of Warrants to J. C. Layton for \$20,00, and J. B. Layton \$50,00, that he cannot tell how it happened, that it must have been an error in footing up the amount of Warrants issued, and he will have it corrected.

That he issued County Orders for a greater amount than the bills or vouchers called for, in some cases, because owing to the depreciation in Warrants, it was impossible to get the materials furnished or work done for Warrants at par.

Judge Sherman says that he is confident that there is a voucher in his office for the balance paid to J. P. Williams over bill rendered, for lumber.

He further states, that it was his intention to place all the books and papers relating to Swamp Lands before the Committee, and until recently it was his understanding that the Committee had them.

We give the above explanation of Judge Sherman at his request, and submit them with the facts set forth, to the Committee.

All of which is respectfully submitted.

D. C. Bloomer,	} <i>Com'tee.</i>
Laz. Noble,	
T. J. Latham,	

By special permission, D. C. Bloomer stated to the Committee, that *no branch* of Judge Sherman's duties have been properly discharged, and that *the County Judge so admits it*, but states in ex-

planation, that bridges were swept away by high floods, and that he was obliged to have them re-built without delay — wishes to regulate his books, and desires to employ L. Noble, (one of the Committee) for that purpose.

On motion of Col. Test, it was

Resolved, That the Investigating Committee receive the thanks and approbation of the Executive Committee, for their full, complete and satisfactory report, and that said Committee return and continue their investigation. That their report thereof may be ready for exhibition on Saturday, 12th March, 1859.

That a subscription be raised for the payment of the services rendered by the Committee of investigation.

On motion, it was

Resolved, That J. D. Test, Frank Street and R. H. Williams, appointed to institute such legal proceedings in behalf of the County, as may to them appear necessary and proper for the redress of injuries sustained by reason of the mal-administration of the present Judge.

Resolved, That the Committee adjourn till Saturday, 12th March, 1859, await the further and final report of the Investigating Committee.

WM. GARNER, *Pres't.*

R. H. Williams, *Sec'y*

—Copied from *The Council Bluffs Weekly Nonpareil*, Vol. II, No. 45 [46], March 12, 1859.

DOCUMENT C

REPORT OF THE COMMITTEE OF THREE

To the Executive Committee of Twenty-five, Appointed by the Mass Meeting of the Citizens of Pottawattamie County, held on the 26th of Feb.

Your Committee appointed to investigate the Affairs of the County Judges of said county, respectfully report:

That, at Judge Sherman's request, Mr. Noble, one of your Committee, has spent about three days during the past week, in arranging the papers and righting up the official proceedings of Judge S., in relation to Probate and Swamp Land matters. During that

time he has written up and arranged the Probate proceedings had under Judge Sherman, as far as he was able to do so, from the papers presented to him. In relation to Swamp Land affairs, he has registered the deeds of land conveyed by Judge Sherman, and examined and registered the Swamp Land Warrants taken in payment for same; a correct statement in reference to which, will be found below.

This Committee have continued their investigations, and report the following facts in addition to our former report.

The amount of County Orders issued by Judges Hall, Larimer and Douglas, before stated at \$3,990,06 should have been \$5,114,54, of which \$1,124.42 were issued in lieu of Orders cancelled leaving the first stated sum as the actual expenditure of their terms.

We find upon examining the tax list, in the hands of the Treasurer, that the taxes assessed for 1858, were as follows:

County Tax,	\$17,185 59
State Tax,	4,257 25
School Tax	1,414 73
Road Tax	3,408 77
District School Tax in Council Bluffs,	3,147 56

Total Tax for 1858,	\$29,413 92
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The Treasurer estimates the amount of delinquent

County Tax up to 1857, at	\$ 4,000 00
County Tax for 1857,	6,000 00

The amount of taxes paid for 1858, up to the 11th day of March, 1857, was as follows:

County Tax,	\$ 4,706 00
State "	1,170 35
School "	400 74
Road "	868 98
District "	516 95

Total,	\$ 7,663 87
Remaining unpaid,	21,857 05

And the delinquent taxes for 1857.

We have devoted considerable time to investigating the facts connected with the management of the Swamp Lands and Swamp Land Fund and give the following results.

In the year 1857, John H. Sherman, acting ex-officio County Judge, in the absence of Judge James, sold and deeded Swamp Land, for which he received the pay as appears by the register of same in the County Judge's office.

Total acres,	1,485.67
Total amount,	\$ 1,857 09
Of which amount he loaned, as appears by the deeds	
of trust on file, May 18, to G. Snyder,	\$ 1,170 00
May 20, to George Snyder,	400 00
	<hr/>
Balance in his hands,	\$ 287 00

Your Committee feel it their duty to refer to the fact that the above loan of \$1,170,00, was made upon the same land as security, which was deeded the same day, to said Snyder, for \$400,00 and the loan of \$400,00 was made upon the land in like manner, deeded the same date for \$200,00, amounting in fact, to an advance of \$970,00 to said Snyder, (who was the law partner of Sherman) without any security to the county. No interest upon this loan has been paid by Snyder.

Judge Sherman says, in relation to the above balance,	
that in the loan made to Jos. Hall, by Judge	
James', of	\$100 00
There was included the amount above named as re-	
ceived from him	50 00
That he paid into the County Treasury, to Mr. Hargis,	
whose receipt he has lost,	170 00
That he paid at another time into the County Treasury,	
without getting a receipt,	80 00
	<hr/>
Total,	\$400 00

He further states that in paying said funds into the County Treasury he accounted for \$150,00, received from Young instead of \$137,09 which was left a balance of 12,81 in his favor.

We do not find any evidence whatever in the Treasurer's office of the above named payments.

W. C. James, during his term as County Judge appears to have sold and deeded of the Swamp Lands.....13,903 acres.

For which there was received	\$17,378 75
Of which there was loaned by him and the County Treasurer, as shown by the books,	16,568 39
And on his settlement with Judge Nye, there was paid into the County Treasury, as per receipt,	800 00
Total,	<u>\$17,368 39</u>

This statement is based upon the settlement made by Judge James with Judge Nye, and your Committee have not had the time to thoroughly investigate that settlement but are satisfied it is very nearly correct.

D. S. Nye, during his term as County Judge, deeded of Swamp Lands1,643.58 acres.
For which there was paid into the County Treasury,.. \$ 2,054 43

A register of the lands deeded by Judge Nye, was made by him in proper manner and is now among the books of the office.

During his term he drew orders on the Swamp Land Fund, for	\$ 1,156 00
John H. Sherman, during his administration, has sold and deeded of the Swamp Lands, as appears by the register thereof in his office,	5,643.45 acres.
For which he received in Swamp Land Orders	7,054 31
He has also received from Wm. Garner, in Swamp Land Orders, amount of loans	450 00
Amount of interest,	65 18
He has also received from some person, not remembered in Swamp Land Warrants	200 00
Total,	<u>\$ 7,779 49</u>
He has paid over to the County Treasury, to be canceled, and which have been canceled and properly entered on the books, Swamp Land Orders amounting to	\$ 7,771 15
In cash, Sept. 4, 1858,	1 05
Total,	<u>\$ 7,772 20</u>

The above statement of the lands deeded by Judge Sherman has been carefully compiled from the records of deeds and the entries made in the books in his office, and a register properly made by

one of your Committee (Mr. Noble) will be found among the records. Judge Sherman seems to have received \$200,00 more of Swamp Land Orders than he can account for, and has probably deeded 160 acres of land for it and forgotten to make an entry of it. He has paid the amount into the County Treasurer till the facts can be ascertained.

We cannot report exactly but from the data before us we found that:

The total amount of Swamp Land belonging to Pottawattamie County, was	56,830.00
Amount sold by Government,	13,301.89
“ “ James,	13,903.00
“ “ Sherman, '57,	1,469.57
“ “ Nye,	1,643.58
“ “ Sherman,	5,643.45
Total amount sold	35,961.59
Remaining unsold,	20,868.41
Amount of Swamp Land Warrants issued as stated in our last report	\$11,718.04
Of which has been canceled for Swamp Lands Deeded,	\$7,254.31
For payment of loans,	515.28
Total,	5,769.59
Balance outstanding,	\$3,948.45
Outstanding accounts for work on Swamp Land Ditches, say,	500.00
Making	\$4,443.45
To discharge which is will require acres	3,558.76
Which leaves remaining of Swamp Lands,	17,309.65

At the request of some of the Committee, we examined the Swamp Lands deeded by Judge James, to Thos. A. Walker, during 1856-'57, and find the amount appears to be \$4,200 acres, of which there appears by the books, to have been pre-empted 3,520 acres. Amount apparently not pre-empted 680 acres.

Judge James reported the amount received from Walker, in payment for lands \$5,200,00.

There is a discrepancy of 40 acres, \$50; which will have to be investigated on the records of deeds.

The book of original Swamp Land pre-emptions is not now in the office. The one now there is, in many respects, incorrect and unreliable, and from it we have arrived at the above statement.

We find that, on the 7th day of June, 1857, Judge Sherman made an order in his Minute Book: "That the swamp and overflowed lands in the county be reclaimed by suitable drains and levees, and that the Drainage Commissioner take to his aid a competent Civil Engineer, and all necessary assistance, and proceed forthwith therein."

And, on the 3d of January, 1859, this order "That Drainage Commissioner proceed to rebuild the Bridge over Boyer River, on the County road, near Hiram Bostwick's, the same to be paid for out of the Swamp Land Funds."

With these two exceptions, we find no entry in the County Judge's books or papers on file in his office relative to the reclaiming of the Swamp lands. The County Judge appears to have surrendered the entire control and management of the reclaiming or drainage of the Swamp Lands into the hands of Drainage Commissioner, who has all the Contracts, Bonds, Vouchers, etc., in relation thereto, in his possession.

Judge Sherman informed us that the Drainage Commissioner had as yet rendered no regular account of the expenditures, and that the orders drawn by them upon the Swamp Land Fund have been so drawn at the request of said Commissioner, made sometimes in writing and sometimes verbally.

After completing our examination and minutes in the County Judges office, we called upon D. S. Jackson the Drainage Commissioner for information relative to his proceedings. He delivered to us for examination, the Contracts for Ditching and Leveeing, all of which seem to be in proper form, and each are accompanied with a Bond from the Contractor as the law requires.

We found the following Contracts on file which have been completed, and orders drawn for the full payment of the work:

A. Cochran, Ditch No. 5	\$592,65
Joseph Werriek, Levee No. 1,	320,00
John Denton, Ditch No. 4,	80,00
William Menary, Ditch No. 2,	205,00
James Mithian, Ditch No. 8,	212,00
	<hr/>
	\$1,411,43

The Contract with Mithan appears to have been over paid \$66,66, which the Commissioner says he will endeavor to have refunded.

CONTRACTS NOT COMPLETED

		PAID.
Thomas Davis, Ditch No. 3, 2,082 c y at 22 cts.	458 00	100
Thom. Davis, Ditch No. 6, 2 sects.		
Sec. 1, 5, 708 at 39,	122 12	
Section 2, 3239, at 36 c	1 182 23	2 103 57
Markley & Dean, Ditch No. 9, 290 yds. at 30 c	87 80	

WORK DONE.

J. B. Sturtsman, Ditches No. 14 & 15, 10, 14 cubic yards, at 37 c	375 18	
J. O. Orron, Ditch No. 7, 4,711 cub yards at 35c	1 648 85	
400 cubic yards at 50c	200 00	1 687 45
C. H. Blake, Ditch No. 1, 2, 517 yds at 17c	755 10	250 00
W. C. James, Ditch No. 13, 2,134 cubic yards at 37c	789 58	118 35
W. R. Reel, Ditch No. 10, estimating cost at 24c per yard	600 00	146 24
John T. Baldwin, No. 11, 8066 cub. yards, at 35c	2 283 10	200 00
Same, Levee, No. 2, 32,898 c. y. 35c.....	11 514 30	875 00
Total amount contracts	\$22 668 46	
Total amount paid		\$5 580 61

The Drainage Commissioner informed us that he had ordered the work to be suspended on Ditch No. 3, Thos. Davis Contractor; also on Levee No. 2, and Ditch No. 11, John T. Baldwin, Contractor.

The payments upon the work appear to have been made by the Commissioner and Judge upon the certificate of the Engineer as to the amount of work done. We had not time to examine and compare any of the vouchers in the hands of the Commissioner.

We have examined the proceedings of the County Court under Judges Street, Larimer, James and Nye, and present herewith a detailed statement of the expenditures under each Judge, to the present time as shown by the books.

This statement may not, in all respects be strictly correct, but it is very nearly so.

We cannot here forbear to call the attention of the Committee to the great increase of county expenses for county officers and deputies since the administration of Judge Street.

This increase arises, we find, mainly from the employment of additional clerks and deputies in the office of County Judge, Recorder, Treasurer and District Clerk.

We have not found any material irregularities in the proceedings of Judges Street, Hall, Larimer, James and Nye.

We have not examined the Vouchers on which orders were issued by them, as we have not had time to do so.

At the request of the Committee we give below a statement showing some of the accounts found by us on file in the County Judges Office on which Judge Sherman issued County Warrants for a greater amount than the bill rendered:

	AM'T. ACCT. REND.	AM'T. ORD. IS'D.
C. Van Alstine for wood,	3 50	8 75
A. E. Laroue, for work,	35 00	46 66
S. D. Honn, for medicines,	16 00	20 70
J. D. Honn & Co., for Medicines,	11 25	22 50
Honn & McClelland for medicines and		
Medical attendance,	71 25	142 50
D. J. Sullivan, for same,	50 00	100 00
Babbitt & Ross for sundries,	51 32	68 32
Honn & McClelland med. and attend.	12 50	25 00
Lewis Rose, for meat	28 88	57 76
J. Williams, board of Pauper,	30 00	60 00
Smith & Dohaney, livery,	65 00	196 50
J. B. Lewis, for sundries,	4 50	9 00
Smith & Dohaney, livery,	124 00	187 30

We learn from Mr. Williams, verbally, that in making his charges for the bridges constructed by him, that he estimated the value of County Orders at about 50 cents on the dollar, and that the actual cost would not have exceeded one half of the amount charged if paid in cash.

In relation to the official conduct of Judge Sherman, we repeat the statement made last week, that he has, in our opinion, dis-

charged his duties negligently and imperfectly, and that the books and papers in his office are in a state of gross and lamentable confusion.

He has failed to make important entries in his books or to keep up with the current business of his office.

His papers have been thrown aside when they should have been promptly filed and entered, and hardly anything has been done in his office in the right time or in the right manner.

We are also compelled to say that gross extravagance has marked his administration. The facts presented in our last report, and in this, fully justify the statement.

Whether Judge Sherman has profited by the extravagance which has marked his administration, we have not the means of deciding, and do not therefore express an opinion.

The papers and books do not on their face show that he has done so, and we could not go behind them — the Grand Jury only, can do that.

We do not find any accounts whatever opened in the books of the County Judge with the various funds or with the County Treasurer, relative to the receipts and disbursements of Road Funds, School Funds, County Lands or Swamp Land Funds. In all which cases we think accounts should be opened and kept regularly posted by the County Judge, showing the condition of these several funds in the hands of the County Treasurer. The same remark will apply to all the other Judges, except Judges Street and James, who partially commenced an account with some of the funds.

Your Committee do not claim to be strictly accurate in all their amounts, so great haste has been necessary that where a discrepancy of small amounts appears we have passed over, yet the variances will generally be found not to be material.

All of which is respectfully submitted.

D. C. BLOOMER,

LAZ. NOBLE.

T. J. LATHAM.

—Copied from *The Council Bluffs Weekly Nonpareil*, Vol. II, No. 47, March 19, 1859.

PROCEEDINGS OF THE CONFERENCE OF LOCAL
HISTORICAL SOCIETIES OF IOWA HELD AT
IOWA CITY ON WEDNESDAY, MAY 25, 1910

On March 21, 1907, in connection with the exercises commemorative of the fiftieth anniversary of the Constitution of Iowa, a Conference on the Work of Local Historical Societies was held at Iowa City. The reports presented at that time were printed in the *Proceedings of the Fiftieth Anniversary of the Constitution of Iowa*.

In view of the success of the Conference of 1907, the Superintendent of The State Historical Society of Iowa, acting in the name of the Board of Curators, sent letters to the various auxiliary historical societies throughout the State inviting them to send representatives to a second conference to be held at Iowa City at the time of the third annual meeting of The Mississippi Valley Historical Association. The response to these invitations was gratifying. Fourteen local societies were represented in the conference which was held in the library rooms of The State Historical Society of Iowa on the afternoon of Wednesday, May 25. And in addition to those presenting reports the conference was attended by visitors from historical societies of neighboring States, members of The State Historical Society of Iowa, and others interested in historical work.

After a few remarks by the presiding officer, Mr. Benjamin F. Shambaugh, brief reports were presented as follows:—

MR. JOHN M. BRAINARD OF BOONE, FOR THE BOONE COUNTY HISTORICAL SOCIETY:—The injunction of our presiding of-

ficer, in his circular of invitation to this gathering, "Be brief", was gratefully received, at least by the representative of the Boone County Historical Society, for the yearly history of that Society just fits into such admonition.

There has been no general gathering of its members and friends since the meeting last summer — warm weather seeming to be a necessary element in reviving the spirit of local patriotism. But in a quiet way historical material has been accumulated in the past twelve months, chiefly in the accumulation of pioneer implements of domestic and farm economy in the Museum of the Ericson Public Library at Boone, which seems to be the most convenient place for storing and exhibiting such articles. A few of these relics may be listed:

A braid loom, for weaving surcingles, garters, suspenders, etc., imported by one of our good Swedish farmers with other household material when the family "came over". Two spinning wheels and one "big wheel", a term which is fully descriptive to the older people. A "grease-lamp", to be suspended by a light chain with a horse-shoe nail at one end which was pricked into the "chinking", and could be carried from place to place in the pioneer cabin. To these add a series of ox-yokes, each with its history of pioneer "breaking"; some walnut lumber from "first houses" erected in the county; a lunch-box, dated 1758; a "frow", used in tub-making in pioneer days; and the none too many short biographies written upon blank forms provided by the Society, and the total composes the modest results of our historical work at Boone.

MR. HEMAN C. SMITH OF LAMONI, FOR THE DECATUR COUNTY HISTORICAL SOCIETY:— I think that in Decatur County we have made the mistake of trying to set everyone to work. The sooner we make up our minds that a few must do the

work the better it will be for us. We have a large membership — about one hundred and twenty-seven names — but only a dozen or more active workers.

Some papers of value have been written and laid away. Little has been published. Among other valuable papers read before the Society is one by Mr. Guy P. Arnold, on *The Hungarian Society at New Buda*. The means for publication, however, are lacking. An effort has been made to collect the membership fee of one dollar. Perhaps forty out of one hundred and twenty paid their dues last year, and a motion is now pending to reduce the fee to fifty cents.

There is at present no place belonging to the Society in which it can keep its papers, books and relics. Thus far they have been preserved in the private office of the Secretary. Another difficulty has been in connection with the presidency. The first president removed permanently from the State. Mr. Guy P. Arnold was then appointed, but he is now in Texas and is active in the Society only when he is in the County. But a dozen members are working, and at a future time we hope to report something more interesting.

MR. C. G. PATTEN OF CHARLES CITY, FOR THE FLOYD COUNTY HISTORICAL SOCIETY:—The Floyd County Historical Society was organized at the Public Library in Charles City, Iowa, February 12, 1910.

There are some active and earnest members in the Floyd County Historical Society, who are devoted to the labor of making it helpful in historical work.

In this connection, we think it quite proper to present the names of a few persons who were especially active in the organization of this Society: Rev. G. A. Hess, Mr. W. H. Leonard, Mr. Clement L. Webster, Mrs. Margaret Stephens, Mr. Morton Wilber, Mr. John R. Waller, Miss Amanda Waller, and Mr. C. G. Patten. Mr. Patten was chosen

President; Mrs. Margaret Stephens, Secretary; and Mr. Morton Wilber, Treasurer.

We are greatly indebted to Rev. G. A. Hess for his active interest in the organization of the Floyd County Historical Society. Mr. W. H. Leonard has spent much time and effort to gather, from the early pioneers, all possible information that is of present interest, and that which is likely to be of future value, and is having it published in our *City Press*.

Especial mention should also be made of the extended and patient efforts of Mr. C. L. Webster to discover in Archaeology and Ethnology some of the mysteries which gather around prehistoric man in this region. Too much credit can not be given Mr. Webster for his zeal and untiring labor—often under stress for lack of funds—in his efforts to save from oblivion much of the Indian history in this region. He is also the author of a work entitled *History of Floyd County, Iowa*, published by the *Charles City Intelligencer* in 1897. It is a valuable contribution, as a history of the ever defeated Indian tribes in their steady march to extinction; and is also an important history of the early settlement of this region of the country by the white race.

We have gathered in Floyd County considerable data pertaining to the history of the early pioneers, as well as to the prehistoric Indians and Mound Builders of Iowa and the Mississippi Valley. We have secured a large fund of information along these lines of inestimable value—material which otherwise would have been mainly lost—which we hope will aid, in a modest way, in determining the facts as to who the Mound Builders were.

Materials have been gathered, in the form of an archaeological and ethnological map of northern and eastern

Iowa, to show the ancient mound builders' mounds, fortifications, burial sites, battlefields, village sites, trails, camp grounds, etc., as well as historical data. We have a valuable collection illustrating much of this.

A matter of much local interest, in the line of early pioneer work, is a photographic print of the official "Notice" and accompanying names of those who were to be voted for as the first public officers of Floyd County, the election to be held at the house of one of the members of our Society, Mr. C. S. Goddard, on the first Monday in August, 1854. The notice was given July 17th, 1854, by order of James Lyon, County Judge of Chickasaw County.

One of the very first — if not the first — school houses in northern Iowa was built at Nora Springs, Floyd County, Iowa, in 1853. The first teacher was a Miss Sarah Griffith now living in the village of Floyd, in this county. This house was also the first public place, as far as we can learn, where worship was held in all the first degrees of latitude in northern Iowa.

In horticulture, Floyd County is entitled to preëminence in pioneer work: both in the scientific breeding of fruits, and in thoroughly methodical selection. By the latter method, knowing the parentage positively on one side, the writer began the work forty-two years ago, ten years in advance of Luther Burbank of California.

Thirty-five years ago he crossed the wild "Soulard Crab" with a cultivated apple and produced what is known as "Soulard Hybrid", being, as yet, the most pronounced cross ever exhibited between the cultivated apple and the wild crab of the Mississippi Valley. Twenty-four years ago he again cross-bred this "Soulard Hybrid", very largely, with the pollen of the best varieties of apple. Twenty-one years ago he began the scientific breeding of the apple on a large scale.

For twenty-five years he has made a persistent effort to improve the pear, and, for the past ten years, definitely by scientific cross breeding.

But little further need be said of the importance of the work which has been accomplished here at Charles City, than to state that already one-third of the apples placed on the "Recommended List" of the Minnesota State Society—one of the largest and most influential horticultural bodies in the United States—are of the writer's origination, and this recognition is a tribute to an originator of hardy varieties of the apple such as no other man has ever received. Recognizing the value of this work to the Upper Mississippi Valley, both the State and the National Government have entered into coöperative endeavors to carry it forward.

It will, therefore, be readily seen that, judged by time, by largeness of numbers, by persistent scientific effort and by the results obtained in breeding hardy fruits, Floyd County not only has priority over every other county in Iowa, but over every State Experiment Station in the entire country.

It is greatly to be desired, that the historical societies of Iowa, as well as all those of the entire Mississippi Valley, coöperate in an earnest effort to begin at once an exhaustive and thorough ethnological and archaeological survey of this wonderfully rich region, bringing together all information possible along these lines, and publishing it, from time to time, in the form of well illustrated reports. The general public can quite easily be gotten deeply and practically interested in this splendid work. The large amount of invaluable historic and prehistoric material, now in the possession of private individuals, should be brought together in central places, carefully labeled and preserved. Such material is now rapidly being lost.

Every old settler should be visited, and whatever historic data he may possess, should be secured and preserved, together with old records, maps and documents of value along these lines. Photographs of old log cabins, the homes of such of the pioneers as still exist, should be taken and preserved, as well as all facts possible to secure relating to them. Many such records now exist but they are rapidly being destroyed. A measurably complete record like this, of Iowa and the Middle West, would be of inestimable value.

The desire to preserve our historic and prehistoric records is taking a deep and firm hold upon our more intelligent people, and well it may. A more earnest and united action along this line should in every way be encouraged and fostered.

In our society work, we aim to do all we can to bring about the results mentioned above. Already we have some valuable material, and more is promised. Our Society, although young, has within its membership well-trained and successful veterans along lines of research which our Society stands for.

MR. J. W. ELLIS OF MAQUOKETA, FOR THE JACKSON COUNTY HISTORICAL SOCIETY:—I am very glad to be here to-day, and am deeply grateful to Dr. Shambaugh for the kindly invitation to meet with you gentlemen, who, if not actually making history, are doing much to preserve the history of our State and country. I have had but little experience in historical society work, aside from my work in our own little society in Jackson County.

The Jackson County Historical Society was organized in my office on the 25th day of April, 1903, by the following named gentlemen, all but three of whom have since died: O. Goodenow, P. D. Griggs, D. A. Fletcher, C. C. Dudley,

C. M. Dunbar, J. M. Swigart, M. F. Fleming, H. Reid, and myself. Notwithstanding the terrible fatality which has pursued our Society, the present members are quite proud of the work which has been accomplished.

On the 20th day of June, 1905, our Society was incorporated under the laws of the State. Shortly afterwards we took up the remains of Colonel Thomas Cox, an early pioneer of Jackson County, who had been a member of the first Legislative Assembly of the Territory of Iowa and President of the Council, and placed them in a lot secured for that purpose in the beautiful cemetery in the city of Maquoketa. He had been buried on the farm which he owned at the time of his death, and his grave had been plowed over for many years. On the 4th day of July, 1905, under the auspices of our Society, one of the most unique monuments ever seen was dedicated to this sturdy old pioneer, whose remains for more than sixty years had reposed in a lonely grave, marked only by a shell-bark hickory tree under which he had been buried at his own request. At the dedication of this monument there were present, among many other distinguished guests, Colonel Samuel W. Durham, a member of the first Constitutional Convention of Iowa, who had known Colonel Cox in his life-time; and Rev. William Salter, of Burlington, who had preached the funeral sermon at the obsequies of Colonel Cox in 1844.

Our Society, almost from the first, has held annual meetings which are open to the public and at which papers prepared by members are read, and the contents later published in our *Annals*. The subjects for these papers are selected by the Secretary, and the papers always contain matter of historical value. At the annual meeting in 1906 Hon. W. C. Gregory was requested to write a brief biography of Ansel Briggs, a pioneer of our county, and

the first Governor of the State. Mr. Gregory's paper contained a concise history and a beautiful tribute to the ex-Governor, and steps were immediately taken by the Society to honor the memory of our distinguished pioneer citizen.

A memorial was presented to the legislature and a bill was prepared and introduced in the Thirty-second General Assembly calling for an appropriation to bring the remains of the ex-Governor back from Omaha, Nebraska, where he had been buried, and place them in the cemetery at Andrew, his former home, and to erect a monument to his memory. The Thirty-second General Assembly failed to make such an appropriation, but the Society persisted in its efforts and at the succeeding session of the legislature one thousand dollars was appropriated. The remains were disinterred and brought back to Andrew, where they were laid beside those of his wife and children in a cemetery donated by him in the long ago. The Society raised something over three hundred dollars in the county to add to the sum appropriated by the State and a beautiful granite monument was erected. On the 22nd day of September, 1909, it was dedicated with solemn ceremonies, in the presence of the Governor of the State, former Governor Larrabee, many members of the Thirty-third General Assembly, the Board of Directors of the Jackson County Historical Society, the granddaughter and great grandson of the first Governor, and five thousand citizens.

The Society has issued six numbers of its publications under the title of the *Annals of Jackson County*, which we exchange with kindred organizations, and we now have a library worth several hundred dollars.

As previously stated, six of the nine members who organized our Society have passed away. We suffered our greatest loss on the 25th day of April, 1910, when Harvey

Reid, our beloved friend and brother and faithful fellow-worker, was taken from us by the hand of death. Mr. Reid helped to organize the Society, was one of the most enthusiastic members, one of the most diligent workers, and we do not recall that he was ever absent from a meeting of the Society. Personally, we had relied so long upon him for advice and encouragement, that we shall probably miss him more than any other outside of his immediate family. It is with a feeling of pride that we remember that he was also an honored member of The State Historical Society of Iowa and had contributed to its publications.

I will say to the representatives of other societies here that we have copies of our *Annals* to exchange for your publications. And if you have not been able to publish anything as yet, you are just as welcome to what we have as if you had something to give in return.

The present officers of the Society are: Dr. A. B. Bowen, President; H. S. Littell, Vice President; Hon. G. L. Mitchell, Treasurer; J. W. Ellis, Secretary and Curator. The Directors are: D. A. Fletcher, W. C. Gregory, B. A. Spencer, Mrs. C. A. Gallagher, and James Fairbrother.

The last report of our Treasurer showed a balance on hand of one hundred and fifteen dollars. We feel that we are in a flourishing condition. We have crossed all of the bad places and are no longer in the experimental stage, and we believe that our future as an historical society is assured, and that we will be able to collect and preserve a goodly portion of valuable historical material.

Dr. Shambaugh has been an inspiration to us, has encouraged us with words of commendation when we have done anything worthy, put us on the exchange list when we had nothing to exchange, and on one occasion "roasted" us in good shape. Our first book was very crude in work-

manship and was printed on common newspaper stock. We sent a copy to Professor Shambaugh and expected a nice compliment from him, but he intimated that it was almost a crime to put such valuable historical matter in such crude shape that it could not be preserved.

MR. HIRAM HEATON OF GLENDALE, FOR THE JEFFERSON COUNTY HISTORICAL SOCIETY:— I am glad to meet with the representatives of the local historical societies. The Jefferson County Historical Society was organized in 1903. It has held monthly meetings ever since, with only three or four exceptions. We have some forty-six members and they are just such members as Mr. Smith has told us about. Perhaps six of them are reliable, ten or twelve are reasonably to be counted upon, some have only attended one meeting, and the treasury is almost empty.

Some features of the work in Jefferson County are distinctive. The county has had old settlers' meetings for seventeen years, and nearly a thousand articles have been collected and preserved in the Carnegie Library. The Society has had a child bigger than itself. The Society decided to preserve a cabin built in 1838, which is thought to be the oldest in the county. After years of work and canvassing, the sum of two thousand dollars was raised and the cabin was moved from Glendale to Fairfield and placed in a park of eleven acres which was purchased by the Society. Now it performs the additional service of providing a delightful place for the meeting of college classes and social gatherings. So the Society has given birth to the Old Settlers' Park Association.

Fifteen years ago I came to Iowa City as a member of an ornithological convention. My associates were all young and I felt out of place. At the present time I am the only young man in our Society and many of the members are upward of eighty years old.

The meetings of the Society are very interesting. Articles of an historical nature are read and discussed by the members and published in the newspapers. We hope to have enough money when all the members pay the dues of fifty cents, to publish a series of annals. An effort is made to preserve local history by having at each meeting a monthly record of events that have transpired since the last meeting.

Altogether we think we have an interesting Society—one that is worth keeping up, and we hope to make continual progress.

MR. B. F. REED OF ALGONA, FOR THE KOSSUTH COUNTY HISTORICAL SOCIETY:—I did not know that I would be called upon to speak at this meeting. I came down to see what the other local historical societies of the State were doing. Our Society was organized last December. It is incorporated and is governed by a board of nine members. The first foolish thing the Society did was to elect me President.

The object we had in organizing our Society is that six or eight of us have determined that no other history of the county shall be written which shall ignore the true standing of the early settlers. Some years ago strangers slipped into our neighborhood, and after gathering material, published an unfair county history. A man's name is in the book if he paid fifteen dollars.

I was born in Logan County, Illinois. Five years ago I was back there where my grandfather settled. I got hold of a local history and not a word could I find about my grandfather. After a while I found myself over in Marshall County. My father was an early settler there, and operated the first mill, which drew the trade of the farmers within a radius of seventy-five miles. The name of my father is not mentioned in the history of that county, al-

though there is an elaborate account of the early mills. So we are determined that no history of Kossuth County shall be written which does not do full justice to those who have lived there for over forty years. For fifteen years I have had this in view. Five or six have done all the work, some more than others.

We have three kinds of members: life members who pay five dollars, regular members who pay one dollar, and honorary members who pay nothing; and I know that the life members will pay all the necessary expense money.

We have looked up the records of the men from the county who served in the Civil War. We have collected much material, and have gathered together some historical relics.

Our people have celebrated the semi-centennial of the establishment of the county and have printed the proceedings. We have preserved a file of a newspaper issued during the Civil War and also files since 1887. For the intervening years no files were kept, but we are determined to fill the gap if possible.

MR. B. L. WICK OF CEDAR RAPIDS, FOR THE LINN COUNTY HISTORICAL SOCIETY:— I do not know that we can say anything of especial value for Linn County. We can neither remove nor bury governors as has been done by other societies.

We fully agree with Mr. Reed. If any history is written in Linn County we want to have a hand in it. If we find that there have been horse thieves in the county we should not ignore them, but tell the facts. The same customs prevail in Linn County in the writing of local history, only instead of wanting fifteen dollars, they want twenty. And in the discussion of the men and women of the county the worthy washerwoman is frequently forgotten regardless of what she has done for the upbuilding of the community.

We want histories which will tell the facts as they existed. We have not as yet been able to determine who was the first settler in Linn County, nor what cabin was first built. The first things are generally put down by the writers of local histories without investigation.

There is one important service that a local society may undertake, and that is the preservation of public records. I have found the records of our county cut and mutilated and even with leaves missing. I have just received a letter enclosing county records in the form of a number of marriage certificates for the years 1840 and 1841. They were found in a trunk in Cedar County. These of course should be in the public files. Often there is mutilation of papers for the stamps which they bear. In case of the descent of property, these old records are invaluable. The laws of Switzerland require the records of birth, death, etc., to be shown before a bequest is granted. It is the duty of the local historical societies to enforce the rights of the public in these matters which may be of much importance in years to come.

Another evil is the neglect of pioneer cemeteries. Too often these old cemeteries are turned into cornfields or meadows. Local societies can do much to remedy this condition. Real estate is not so valuable as to make necessary the desecration of early graves. It is our duty to protect them. It is not possible to run a railroad through a cemetery, neither should we allow a man to drive his cattle over or run his plough through the lands where the early pioneers are buried.

MR. WARREN S. DUNGAN OF CHARITON, FOR THE LUCAS COUNTY HISTORICAL SOCIETY:—The Lucas County Historical Society was organized June 10, 1901. Less than a dozen citizens of the county, convened for the purpose,

adopted a Constitution and By-laws, and elected officers. The Constitution was brief in its terms and modest in its requirements, fixing the membership fee at fifty cents, annual dues at the same, and life membership at ten dollars. Since then the annual dues have been reduced to twenty-five cents, with the view of enlisting the coöperation of the greatest possible number of our citizens in the enterprise. Thus far we have secured a membership of about two hundred, but no life members.

While we have been hampered in the work for which we were organized, through lack of funds, we have accumulated a large amount of historical material which would have otherwise been consigned to oblivion. This material consists largely of papers written at the request of the Society and read at its annual meetings or filed with its records, and of certified copies of public records, both State and National, pertaining to our county affairs.

No part of this material has yet been published either in book or pamphlet form; but much of it has been published in our local newspapers, and both the original and the printed copies are on file for future reference. We have thus accumulated material sufficient to make several large volumes if all was published. With means at our command with which to have employed a competent historian vastly more might have been accomplished.

In 1881 a history of Lucas County was published. One of the most important services rendered by our Society to the future has been the correction of many grievous errors contained in that history.

The early settlers of Lucas County, and perhaps of southern Iowa, show more strains of blood than those of northern Iowa. We have here the Puritan, so largely predominating in the northern part of the State, the Scotch-

Irish, of historic firmness, with a large proportion of the Cavalier stock from the border States, notably from Kentucky; so we perhaps have a greater diversity in this direction than some other parts of the State. This diversity, which has produced a new type of character in America in general has had its moulding effect, in large measure, upon our portion of the great Mississippi Valley.

When we compare the present with the past we find some things in the past which challenge our credulity and sometimes incite to mirth. The first County Attorney of Lucas County was a farmer with a rich Irish brogue who signed his name by his mark. But let me add, there was no lawyer in the county at the time. At the next election, however, although there was a young lawyer residing in the county, another farmer was elected County Attorney over this lawyer who was his opponent. I suppose this was done as a joke, since the young lawyer sported a gold watch, wore a stovepipe hat, and invaded the county from "down east".

On August 22, 1908, our Society was duly incorporated under the laws of Iowa, and its objects, powers and rights were more fully defined. We think there are some advantages in being incorporated, especially in securing to the Society more perfect control of its property. The Chariton Free Public Library, having erected a commodious library building, donated to our society one of its rooms for our exclusive use. This room will give us sufficient space for our material for many years, and then we hope to be able to erect a building of our own. We have furnished this room in part, and we are now purchasing receptacles in which to safely keep our materials. Miss Margaret W. Brown, with the advice and assistance of Mr. E. R. Harlan, Curator of the Historical Department of Iowa, is preparing a system of tabulating and filing our material for ready reference.

While we of Lucas County were the first to organize a county historical society, others have outstripped us in accomplishment. But for this, emulation not jealousy, shall be our attitude towards you. Let us all unite in honest, persistent effort to place Iowa historically where it may be said of her, "Of all that is good, Iowa affords the best".

MR. H. A. MUELLER OF ST. CHARLES, FOR THE MADISON COUNTY HISTORICAL SOCIETY:—Since the last Conference of Local Historical Societies in Iowa, held in this city about three years ago, the Madison County Historical Society has not accomplished as much as its officers had hoped for. Nevertheless, the Society has been striving toward a greater realization of the objects of its organization, namely, the collecting and preserving of books, papers, records, writings, relics, etc., relative to the history of Madison County.

Since the time mentioned above, the annual meeting of the Society has been held each year on the third Tuesday in March. At these meetings, besides the transaction of the ordinary routine of business and election of officers, a literary program has been given. These programs are made up of papers and addresses which usually deal with some phase of the history of Madison County. All of our meetings since the organization of the Society in 1904 have been well attended, and they are creating an unusual interest among members and others in the way of securing their assistance and sympathy in the work of gathering and preserving in some tangible form, the history of our county.

In order that you may better comprehend the work that we are trying to do, I will read the programs as they have been presented at our meetings during the past three years.

Program for 1908: *The Evolution of Fencing in Madison County*, by W. S. Wilkinson; *Madison County in War*

Times, by Mrs. Caroline Murray; *The Kentucky Settlement in Madison County*, by E. R. Zeller; and *Lost and Forgotten Town Sites in Madison County*, by H. A. Mueller.

Program for 1909: *Log Cabins*, by A. J. Hoisington; *Clayton County Settlers in Madison County*, by H. A. Mueller; *Madison County People Who Knew Abraham Lincoln*, by W. S. Wilkinson; a short address by George W. Guye, the only living resident who came as a grown man in 1846, the year in which the first settlers came, who told of his coming to Madison County and of his voting at Fort Des Moines on the adoption of the Constitution of Iowa in 1846; and an address by Hon. J. W. Ellis of Maquoketa, Jackson County, Iowa.

Program for 1910: *Reminiscences of Courts and Litigations from 1840 to 1910*, by T. C. Gilpin; *Quaker Settlements in Madison County*, by D. B. Cook; *Landmarks that Should be Remembered*, by W. W. Gentry; an original poem entitled *The Pioneers*, by Blair Wolf; and an address by Curator Edgar R. Harlan.

Copies of all papers read before the Society are filed with the Secretary, and many are published in some of the local newspapers. In this way the public becomes interested in our work, and the papers are preserved for future historians. No attempt has as yet been made to publish the proceedings of the Society in book or pamphlet form, but it is the hope of its officers that at some future date the papers that have been presented from time to time, as well as other material relative to the history of the county, may be gathered together and published in a permanent form, under the supervision of some competent person.

What the Society is doing at present is to secure persons who are able and willing to take the time to make the

investigations and write on various phases of Madison County history. It is the purpose to have them write from personal knowledge, or from information secured through persons who have the personal knowledge, of facts bearing on our early history which have never been recorded in any way.

Madison County's first settlers came in 1846, and previous to 1861 there are no newspaper files of the county in existence. So there is a gap for the history of which we must rely much upon the memory of early settlers. And I must say to you that these pioneers are rapidly passing away, so we must be up and doing or much will be lost by procrastination. Many times I have been reminded of this fact, when I have failed to write to some old pioneer or to have a personal interview with him relative to some historical data and make a note of the same, and then I have been told that he had passed away, and possibly with him the only source from which this particular information could be obtained. Then I wonder why we did not begin long ago.

The Society, under care of its Secretary and Curator, has made considerable additions to its collections of relics, pamphlets, programs, etc. These collections are kept in a room in the City Library at Winterset, which room was set apart for the use of the Society. Among the relics collected during the past two years are the following: map of Iowa published in 1848, an old frow used by early settlers of Madison County, a hand-made pitchfork with two prongs made by the first blacksmith in Winterset, an old flax hackle, a pair of shoemaker's tongs, a Madison County Atlas (very old), two fine specimens of old fashioned grease lamps, an Indian skinning knife found in Madison County, and a sample piece of the first barbwire used in the county.

At the annual meeting in 1909 a movement was started to secure a log cabin and have it removed to some suitable location in Winterset, the county seat, where it might be preserved. At the same time a committee was appointed to investigate and report places of historical significance that should be marked in some manner so that the history connected therewith should not be forgotten or lost. The committee reported that very little had been done, and consequently the same committee was re-appointed.

Thus I have attempted to tell you something of the work that we are doing in Madison County. We hope to do much more, but nearly all the active members are busy people, hence must do this work as a side issue. Any person who attempts to gather material and wants to know the real facts in the case will find it slow and tedious work. It is the aim and purpose of our Society that all phases of history connected with our county shall in time be put in such form that it will be preserved to future generations, and that any person may be able to take up the work where we have left it.

MR. C. L. LUCAS OF MADRID, FOR THE MADRID HISTORICAL SOCIETY:— So far as we have been able to learn the Madrid Historical Society is more local than any other society of the kind in the State. It is located near the corners of three counties, with no particular claim upon the territory of either, but we are receiving some historic relics from all three of them. It is not our purpose to do big things, but rather to do the little things, which are very often neglected. Those who do big things often have to pause and look up enough of the details to supply the connecting ligaments in the joints of the big things. It is the sum of the small things that makes the large things.

We have failed to do some of the things we had in con-

templation three years ago, but in other things we have surpassed our expectations. We have not opened the mounds nor published the book mentioned in our report three years ago. When we counted up the cost, we found that our financial strength was not sufficient to meet the necessary outlay of money these things would require. Our collections of historical documents, historical relics, and souvenirs, however, have been much larger than we expected.

There are numerous persons and families in every community who have historical documents and relics of considerable importance, if the fact of their possession could be ascertained. The best plan we have yet adopted for reaching a whole community is to publish in the local newspapers the name of every donor and the thing donated to the Society. This is eagerly read by the whole community, and from time to time hundreds of things will be brought in, which without this publicity would never be obtained.

Among the things we have secured is a stone tablet, on one side of which is the following inscription:

DECEMBER 10, 1845.

FOUND 200 INDIANS HID, ON AND AROUND THIS MOUND.

THEY CRIED NO GO! NO GO! BUT WE TOOK THEM TO FORT D.

LT. R. S. GRANGER.

There seems to be a key to this tablet. When the treaty with the Sac and Fox Indians became fully operative on October 11, 1845, it is said that a number of them did not want to leave Iowa and go west across the Missouri River. To avoid this they went thirty miles up the Des Moines River from the Raccoon fork, and tried to hide themselves. This distance, as the crow flies, would place them in the vicinity of the Elk Rapids mounds where this tablet was

found. It is an accepted piece of history that Captain Allen sent an officer and a troop of dragoons after them. It is also accepted as history that Lieutenant Robert Seaman Granger, afterwards General Granger, was at Fort Des Moines during the latter part of the time Captain Allen was stationed there. The inscription on the tablet is indicative of the fact that Lieutenant Granger was the officer sent after the Indians. The tablet is fifteen by sixteen inches and it tapers off to a point at one end. It is about an inch thick with a smooth surface and is as hard as flint.

We have also lately come into possession of the broad-ax which was used in hewing the timbers used in the construction of the old water mill which was built at Elk Rapids in 1850. This was the first mill built in Boone County, and the first one in the Des Moines Valley north of the Raccoon fork and the city of Des Moines.

Through the kindness of one of our pioneer families we have a weaver's reed, which was purchased at Fredericksburg, Virginia, in October, 1790. Through another pioneer family we have the sabre carried by Captain Rinker of the Tennessee militia, in the battle of Tohopeka, or the Horse-Shoe Bend, and a powder-horn which he took from an Indian in that battle, which was fought March 27, 1814. We also have a twelve pound ball and a twenty pound unexploded shell from the battle field of Kenesaw Mountain. We have nearly half of an exploded shell from the battle-field of Shiloh, and seven rifle balls from the battle-ground at Arkansas Post.

In our collection of historical documents we have, in the original manuscript, the famous journal of the marches of the first regiment of United States Dragoons from Jefferson Barracks to Fort Gibson; from Fort Gibson to the Pawnee village on Red River, and back to Fort Gibson; from Fort Gibson to Fort Des Moines in Lee County, Iowa,

in 1834; and from Fort Des Moines to Wabasha's village in Minnesota and back in 1835. This journal was published in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, in the July number of last year. It is, in some respects, the most interesting original document in our State. Prior to the finding of this *Journal* there was no writer of history in the State who had a correct understanding of the marching of the dragoons up the east side of the Des Moines River to the Boone fork, thence northeast across the Iowa and Cedar rivers, and on to Wabasha's village in Minnesota; or of the return to the Des Moines River, near the north line of our State, the crossing of the stream, and the march down the west side to old Fort Des Moines again, a march of one thousand miles. This journal gives the date of starting, the number of the companies of dragoons, a list of the principal officers, and the date and location of every encampment made during this historic expedition. On the return trip one of the encampments was made on the site of our present capital city.

Our little library consists of about two hundred and fifty volumes and historical periodicals, for some of the best of which we are under obligations to the State Historical Society of Iowa, the managers of which are ever ready to lend a helping hand.

We also have on file many newspaper articles of interest. One of our members has in the last three years written twenty historical articles ranging in length from one to four columns, all of which are on file. Our collection of autographs of prominent persons has reached a respectable number and is still growing.

Some of our people are in the habit of coming in and looking at our collection, and offering praises and congratulations, but that is all. This is merely encouraging.

Some time ago a boy brought in one of the most complete Indian arrow heads I have ever seen. He found it along the banks of the Des Moines River. He said he had brought it in to have it placed in our collection if we would receive it. We assured him there would be no doubt of that. This one brought our collection up to twenty arrow heads. We entered the boy's name among our list of donors and gave him a nice mention in the local paper.

In this report we are not going to make any promises of doing any big things in the future. We will only say that we expect to go on and keep doing. As we have already said, it is not our intention to do any big things, for we have nothing to do them with. The best thing we can say of our financial condition is that we are out of debt. What we have is our own. We shall continue to do things in a small way, because we think it just as necessary that the small things be done as the large ones. Writing about the poets, Ralph Waldo Emerson said: "The man is only half himself, the other half is his expression." If this could be applied to the collector of historical relics and historical data, it should read: "The man is only half himself, the other half is what he does."

In conclusion I want to say that I am glad to be here once more in Iowa's old capital city. When I came to Iowa with my parents in 1853, this city was then its capital. It affords me pleasure to look upon the Old Stone Capitol building again, and upon the beautiful river that meanders its way through this part of the State, and upon the bank of which this historic structure stands. I am glad to see the progress and prosperity which now enlivens this university city. I am proud of the State Historical Society and of the live, energetic men who are at the head of it. I am glad to meet with the representatives of the various local historical

societies of the great State of Iowa, and am glad to hear your reports of success and progress. I congratulate you one and all.

MR. L. F. PARKER OF GRINNELL, FOR THE POWESHIEK COUNTY HISTORICAL SOCIETY:—Poweshiek County was organized sixty-two years ago. It is a very quiet, freshwater county — one of about a hundred in the State. About one-hundredth of the people of Iowa reside there, they pay about one-hundredth of the taxes, and own about one-hundredth of the property.

We can not go very far back in human history there. The Mound Builders, whether Indians or not, left their marks elsewhere in the State, but not there. Marquette and Joliet survived the terrors of the “Massa Sepe” to tread Iowa soil in Louisa County, or further south, but they never saw the County of “Poweshiek”, nor did that Indian chief ever make his home there for any considerable time. He merely passed over it to spend a few days along the only stream that even crosses the corner of our county large enough to attract an animal furry enough to tempt an Indian’s arrow or his trap. If we want to know about the gentleman whose name we have assumed we must go to Louisa or Johnson County, or even to the banks of the Grand River to inquire. I have seen only one man in many years in our county who ever looked upon the face of Poweshiek.

If we want to know about the foundation deeds of our farms or the beginnings of our railroads, we must consult the records made in Johnson County, or ask Peter A. Dey or Leonard Bacon’s son, who thought he saw the elephant with “the kiver off” when he was freezing and trying to find a fire in such a blizzard as sometimes used to sweep the prairies when houses were few and far between. If we are

anxious to find the leaders of our State, in peace or in war, we must go beyond our borders into Dubuque or Des Moines County, into Johnson, or Linn, or Polk.

But that is beyond our direct sphere. Men came from the South to found our county, and died leaving a record of themselves only in the minds of the men who came with them. They did not suppose that Iowa would ever become much greater than the States they had left. Men came from the East also, to build what is now the largest town in our county. We may say that one man founded it, and in writing his own history he wrote the history of his vicinity and his time. A very few other pioneer families have been fairly well written up. Many have been asked to write, few have complied; yet many would have done so if they could be sure that what they write could be printed in a book with good covers on it — and printed soon!

We are trying now to get beyond families, or towns, and when necessary to touch points beyond the county. A narrowly limited county history is very meager and partial. A well rounded history of a county must tell what thoughts and plans its settlers brought with them, what aspirations and what means, what habits, how they could coöperate with others in bringing about results that will clothe a family or build up a community.

We have been laying foundations. We are now building the first story of society. We want to preserve the record of what has been done and how it was accomplished. We — some of us — have found men doing things as we would not have done them, and yet we have often found the strange way the best way. For example, our friends from the South at one stage of culture, or of progress as I choose to call it, used to "hog down their corn". The Yankees thought that was a very wasteful system. They

soon found, however, that in their circumstances it was the wisest plan. History should preserve that fact because it was the fact, and secondly, because they were not barbarians for doing what would be unwise or uncivilized a few years later.

We shall gather the facts, so far as we can, of business enterprise, when certain lines of business were introduced, how they were conducted and with what results. We have in our county, also, some foreigners. We now propose to inquire why they came, how business was done where they resided formerly, the condition of society there, what they find here, how they like it, and what they plan to do to make the country better.

This is a hint only of what we have in mind. Incidentally, our work will be much broader than this. It will be to so recall the past as to make it the Mentor, the stimulus and the stepping-stone to the future. We hope to make every yesterday the guide and the aid for every tomorrow.

MR MARSH W. BAILEY OF WASHINGTON, FOR THE WASHINGTON COUNTY HISTORICAL SOCIETY:—I regret to say that the county history is too often written in the manner that the other speakers have suggested. In our own county we have tried a somewhat different scheme. Among our citizens is a man who came to the county at the close of the Civil War. He is a graduate of Oberlin College. I refer to Howard A. Burrell, for many years editor of the *Washington Press*. Many felt that Mr. Burrell should write the history of Washington County. He hesitated and did not consent until after the formation of the Washington County Historical Society.

When the work was finally undertaken, the problem facing the Society was when will it be published. Must we wait until all the settlers are gone before the book is to be

printed. The solution was as follows. Arrangements were made with a Chicago concern to publish Mr. Burrell's book as the first volume of a two volume history of the county. The second volume was to consist of biographical sketches. Thus the Society secured the publication of what was a real historical contribution in the first volume, and the expense was paid for by the second. The Society stood behind Mr. Burrell's volume, but had nothing to do with the biographical volume, which contains much of value and much that is not of value.

MR. H. M. PRATT OF FORT DODGE, FOR THE WEBSTER COUNTY HISTORICAL SOCIETY:—Our Society is nearly last upon the program and — I fear from the records — nearly least. I will bear in mind the statement that brevity is the soul of wit and be brief.

I have not been so much interested as some of the other speakers in the criticisms of the county histories for the reason that I found in ours a sketch of my grandfather. He was once a candidate for office on the Greenback ticket, and thus was a man of some local prominence.

Local societies are largely egoisms. There are generally only one or two interested in the work. The society activities are their own activities and they must tell of them. We must confess that we have not published much, although some of our articles have been printed in the newspapers.

Among the contributions to local history that have been made by our Society and which have found their way into print are the following: A history of the mayors of Fort Dodge from Major William Williams of Spirit Lake fame down to the present time; a history of the Webster County court houses, including the story of the stealing of the first court house from Homer and carrying it off by night; the history of Webster County '61-'65 Society, an organization

consisting of the wives of the old soldiers; and a series of biographical sketches of the gold medal contestants at Tobin College.

Aside from these efforts, we have made every endeavor to induce writers to be accurate. I have prepared the material which has been sent out by the commercial club and I have tried to make it accurate as well as boosting. We have helped local clubs in their study of Iowa history, and have delivered occasional lectures on the subject. Each year we have held Pioneer's Day—one of the big events in the county. There were three hundred pioneers in attendance last year. We have set a residence of forty years in the county as the mark of a pioneer. The occasion last year brought more than two thousand people together, and about the same number gathered the year before. One old lady, ninety-three years old, was brought to the meeting in a wheeled chair. She had not been out of the yard for six years and her presence alone was worth all the effort of organizing the meetings.

For the future we have two objects: first, the erection of a monument to Mrs. Lott, the first woman to settle in the county; and second, the arrangement of a home-coming week in the county. Our county has never had a gathering of this nature.

Another thing which has been accomplished by the Society is the naming of Fort Dodge's hotel the Wakhonsa, thus preserving the old Indian name.

MR. C. R. MARKS OF SIOUX CITY, FOR THE SIOUX CITY ACADEMY OF SCIENCE AND LETTERS:—I shall attempt to give simply an outline of what we have done. The Academy was organized about twenty-two years ago. Since that time we have kept up the meetings and have twice published our proceedings. We have organized our work in

three divisions: an ornithological section, an archaeological section and an historical section.

The Academy has paid considerable attention to the story of Sergeant Charles Floyd, of the Lewis and Clark Expedition. When the Missouri wore its eastern bank sufficiently to undermine the bluff where the bones of Floyd were buried, a committee rescued the remains from the edge of the bluff and reburied them some distance back from the river. But time went on and the burial place, being unmarked, was lost.

Some citizens at last took enough interest in the historic Sergeant to search out the place, and after much investigation the grave was found. On the 20th of August, 1895, a slab was put up over the spot. Inspired to a large extent by the efforts of Mr. John H. Charles, steps were soon taken toward the erection of a suitable monument. An appropriation of \$5,000 was secured from Congress. The State of Iowa gave a like sum, the railroad hauled the stone free of charge, and numerous contributions, public and private, increased the fund so that it was possible to erect a beautiful monument, which was dedicated in the year 1901. The Academy has been investigating the life of Charles Floyd, and has been finding much new information.

The meetings are well attended, but as is the case in the other societies from which reports have been given this afternoon, a few do the work.

One course pursued by the speaker has been to invite old settlers to come up to his office for talks on the early days. A stenographer takes notes on the conversation. Already twenty or more of these reminiscences have been obtained.

The first volume of proceedings nearly bankrupted the Academy. It was published four years ago, and it was not until last summer that the debt was paid in full.

One of the most active and valuable members of the Academy is Mr. H. C. Powers. It was through him that a copy of the requisition for the equipment of the Lewis and Clark Expedition was secured from the War Department and published. Mr. Powers is an excellent engineer, and has not only contributed to the progress of the organization in a literary capacity, but made the cases in which are kept the collections of the Academy, and has practically given up his life to the furtherance of the interests of the organization.

THE ORIGIN OF THE LAW COLLEGE OF THE STATE
UNIVERSITY OF IOWA — TWO COMMUNICATIONS
FROM JOHN P. IRISH

1438 Adeline St., Oakland, California,
March 15, 1910.

PROF. BENJ. F. SHAMBAUGH,
State University, Iowa City, Iowa.

Dear Sir:

I have read in the *Davenport Democrat* an account of the dedication of the Law Building of the State University of Iowa. Judge Dillon's letter, read on that occasion, is the only feature that connects the present with the past of the Law Department. That department, like many great things, was conceived in poverty and necessity. The period of the Civil War had been a time of great impairment of the University. Its income was depleted, it had long been without a President, and it was in a helpless condition.

I was elected to the lower house of the legislature in 1867, and in the session of 1868 I sought and secured for the University its first appropriation directly from the State treasury. A hard-faced and determined opposition had to be overcome to get that appropriation. The Iowa of that day was not the Iowa of this. Over much of the State the conditions of the rude and hardy frontier still existed. Railroads were few; the people felt the exhaustion of the long war; and there was a strange lack of confidence in the future. I was young and an optimist, and seeing the millions-to-be in the future Iowa, I proposed to begin then the foundation of higher education to meet the needs of the years to come. In the legislature the opposition accused me of intending to establish "an aristocracy of learning" that would serve the rich while supported by the poor. Throughout the contest I was stirred by the apathy on all sides toward the University. It seemed friendless, and I secured the appropriation only by trading with Des Moines and supporting the appropriation for a new capitol building.

This hard experience caused me to plan for the wider influence

of the University, to the end that it might have powerful friends, and I conceived the idea of allying it with the two most influential professions by attaching to it the schools of law and medicine.

Having been elected a Trustee of the University, I was in a position to make effective plans. Governor Merrill heartily approved the idea and the Board of Trustees moved rapidly toward its accomplishment. I was given authority to proceed. In the spring of 1868 I met Judge Dillon in New York City, and told him of my desire to have the law school open with the University in the autumn of that year. He said there was only one way to do that. In Des Moines there was a private law school, founded by Professor William G. Hammond, and if I could transfer that school to the University my purpose would be effected. Taking a letter of introduction from Judge Dillon to Professor Hammond, I went directly to Des Moines and remained until I had secured the Professor and his school for transfer to the University. In that meeting we planned and arranged what might be termed the "Organic Act" of the school, which perhaps endures as its present charter.

So it came to pass that when the University opened its fall term in 1868 it had a law school with more than a score of students. The reason for my haste was that I dared not let the matter go over until another session of the legislature lest that body should prohibit the professional schools.

I am moved to write this because Judge Dillon's modesty restrained him, and his letter read at the dedication is silent as to his part in the founding of the school. I have always felt that lacking the consultation with him and his advice the founding of the school would have been delayed many years.

Hammond's career as Dean of the law faculty was very distinguished. He was perhaps the best endowed scholar ever known to the profession in Iowa. And with all his great and varied learning he had a charming fellowship with his students. I hope that at the dedication of the new law building his services were remembered.

Very truly,

JNO. P. IRISH

1438 Adeline St., Oakland, California,

May 24, 1910.

PROF. BENJ. F. SHAMBAUGH,

State University, Iowa City, Iowa.

Dear Sir:

It may be of interest to narrate the processes by which my conclusion was reached that a law department would not only add an important college to the Iowa University, but would put within reach of all of its students the opportunity to acquire at least the rudiments of a science which to a certain extent is an imperative element in a liberal education. When a boy, without preceptor or assistance I was acquiring a sufficient knowledge of the law to secure admission to its practice, I was impressed by the views so lucidly maintained by Sir William Blackstone in his first lecture as Vinerian Professor of Law in Oxford University. When I became a member of the State legislature, at the age of twenty-four, and was made aware by service in that body of the extreme popular weakness of the University, and the indifference to its welfare on the part of the three learned professions of the State, the analogy with Oxford before Mr. Viner endowed its professorship of law occurred to me with very great force.

The lawyers of the State had come from Eastern schools, or were the product of office reading, and did not think of the University as at all related to them or to their profession.

The physicians were also from Eastern or European schools, and an aggressive element amongst them had been fitted for practice in a medical college for some time in operation in another city in Iowa. The head of that college was a watchful and energetic man, influential in politics and a considerable factor in public affairs. As for the clergy of the State, many of the most powerful amongst them were ordained in denominations that maintained academies and colleges of their own. This extensive group of denominational schools presented a united front against the University. While the clergy of each might differ, frequently with bitterness, on points of dogmatic theology, doctrine, discipline and the plan of salvation, upon one point they were in cordial union, and joined as heartily against the University as they divided in respect to their several ideas of religion. In this situation I saw the need of

putting law and medicine in accord with the interests of the University.

See now how clearly the counsel of Blackstone fitted the circumstances in which opposition to the University had placed me.

In his opening lecture as Vinerian Professor of Law in Oxford, delivered in October, 1758, he said: "I think it an undeniable position, that a competent knowledge of the laws of that society in which we live, is the proper accomplishment of every gentleman and scholar; an highly useful, I had almost said essential, part of liberal and polite education. This study will go hand in hand with their other pursuits; it will obstruct none of them; it will ornament and assist them all."

Again addressing himself specifically to the new chair which he was the first to fill in Oxford, he said: "As to the interest or, which is the same, the reputation of the universities themselves, I may venture to pronounce, that if ever this study should arrive to any tolerable perfection, either here or at Cambridge, the nobility and gentry of this kingdom would not shorten their residence upon this account, nor perhaps entertain a worse opinion of the benefits of academical education. Neither should it be considered a matter of light importance, that while we thus extend the *pomoeria* of university learning, and adopt a new tribe of citizens within these philosophical walls, *we interest a very numerous and very powerful profession in the preservation of our rights and revenues.*"

From the foregoing it will be seen that the words of Blackstone addressed to the Senate and students of Oxford one hundred and ten years before, were the direct inspiration of the founding of the Iowa University Law College in 1868.

Surely I am safe in saying that this statement will increase, if need be, the interest of the legal profession of Iowa in that college. It is further of interest that the first Dean of the University Law College, Dr. William G. Hammond, edited and published an edition of *Blackstone's Vinerian Lectures on the Common Law*, with the text unimpaired, and illustrated by copious notes of his own, which now is the student's *Blackstone* in the United States and England. For such a task Dr. Hammond had a supreme fitness. Learned not only in the Common Law, but profound in the Civil Law as well, he was a perfect classical scholar, who carried his

classics through life as part of his splendid intellectual equipment. In addition to this, there has perhaps been no American law teacher who knew better the history of jurisprudence and the lives and opinions of the great jurists. All of this enriched his notes to his edition of Blackstone and made it preëminently the student's text book, and also the instructive companion of the active lawyer.

Not only the present students of the College of Law of the University of Iowa, but its many graduates may have their pride and interest in it enhanced by this narrative of its origin. I am sure that it has built up a mighty force for the conservation of the welfare and the protection of the revenues of the University.

Very truly,

JNO. P. IRISH

SOME PUBLICATIONS

Daniel Boone and the Wilderness Road. By H. ADDINGTON BRUCE.

New York: The Macmillan Company. 1910. Pp. xiii, 349.

Portraits, plates, map.

Romance must ever cluster about the name and life history of the great pioneer of pioneers, Daniel Boone. Indeed, the historian must be hopelessly unappreciative of the dramatic element in history who could write of Boone and his times in a prosaic manner. Consequently when a volume with the above title, written by Mr. Bruce, presents itself, the reader may be assured that the picturesque and romantic will not be covered up in a dull recital of facts and figures. This does not mean, however, that accuracy has been sacrificed to picturesqueness, as has been the case with a number of recent so-called historical works of a semi-popular character.

Mr. Bruce has written in a very entertaining manner of the life of Daniel Boone, from his childhood to his last years in Missouri. At the same time he has included glimpses of certain phases of early western history, which, while not directly touching Boone himself, are necessary to a proper understanding of the time and country in which he lived. Thus the conquest of George Rogers Clark, and the exploits of Sevier, Robertson, Kenton and other famous pioneers receive attention, nor is the significance of the first forms of government in the new country overlooked. Moreover, in spite of the broad scope of the field the author has succeeded in preserving a unity with Boone as the central figure. He has also displayed commendable industry in seeking the truth among the myths and legends which cluster about certain characters and events in western history, and he has profited by the results of the most recent research.

It must be obvious from what has been said that Mr. Bruce's volume is not to be taken as a critical history of the westward movement into Kentucky, nor yet as a detailed biography of Daniel Boone.

It is not a reference work. But it is a book to be read and enjoyed by the average lover of history, and to such it will present a vivid picture of a leading character in the greatest drama the world has ever seen, together with glimpses of the setting and the other players.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

AMERICANA

GENERAL AND MISCELLANEOUS

A *Report of the Commissioner of Corporations* issued in June is entitled *Taxation of Corporations, Part II—Middle Atlantic States*.

The second number of the *Maryland Quarterly*, published by the Maryland Peace Society, contains a discussion of *America and the Hague Conferences*, by William I. Hull.

In the July and August numbers of the *Bulletin of the New York Public Library* there are continuations of the *List of Works Relating to British Genealogy and Local History*.

The New Era of International Courts, by Simeon E. Baldwin, is a pamphlet published in August by the American Society for Judicial Settlement of International Disputes.

The Age of the Earth is the subject of a brief monograph by George F. Becker, which is contained in volume fifty-six, number six of the *Smithsonian Miscellaneous Collections*.

A third volume of Frederick de Kastner's *Heros de la Nouvelle France* has been issued, and is entitled *Les la Vérendrye, Père et Fils, Dufrost de la Jemeraye et la Découverte du Nord-Ouest*.

The American Flag is the title of a volume compiled and edited by Harlan Hoyt Horner, and published by the Education Department of the State of New York. There is an introduction by Andrew S. Draper.

The *Twenty-Third Annual Report of the Interstate Commerce Commission* contains much information relative to decision of various courts and of the commission itself in cases arising during the year 1909.

The *First Annual Report* of the Canadian Commission of Conservation is a volume of over two hundred pages containing a number of valuable papers and addresses presented at the meeting at Ottawa in January, 1910.

Pamphlets recently published by the American Association for International Conciliation are: *An Economic View of War and Arbitration*, by John B. Clark; and *Peace Versus War: The President's Solution*, by Andrew Carnegie.

Among the articles in the April, May, and June number of *The American Antiquarian and Oriental Journal* are: *Chippewa Legends*, by J. O. Kinnaman; and *Ancient Methods of Burial in the Yakima Valley, Washington*, by Harlan I. Smith.

John Cameron: A Scottish Protestant Theologian in France, by Gaston Bonet Maury; *The Inroads of the Sea, 1323-1622*, by George A. Sinclair; *The Feuing of Drygrange from the Monastery of Melrose*, by George Neilson; and *A Sermon on Witchcraft in 1697*, by James Hutchinsone, are articles in *The Scottish Historical Review* for July.

John Bigelow is the writer of an article on *The Battle of Kelly's Ford* to be found in the July number of the *Journal of the United States Cavalry Association*. Among some reprints from other publications is an article entitled *On Writing Military History*, by Earl Percy; and a note on "*Stonewall*" Jackson: *Some Current Criticisms*.

James H. Wood is the author of a volume entitled *The War*, in which are related some recollections of the campaigns and battles of "*Stonewall*" Jackson. Mr. Wood participated in these campaigns as a captain in the Thirty-Seventh Virginia Infantry, and his recollections, supported as they are by reference to official records, are a contribution to the history of certain phases of the war.

Volume sixteen of the *Journals of the Continental Congress 1774-1789* issued by the Library of Congress has appeared. This volume covers the year 1780, which was perhaps the most trying period in the existence of the Congress. Gaillard Hunt, who has succeeded Worthington C. Ford as Chief of the Division of Manuscripts, has taken charge of the editorial work, and the plan adopted for the preceding volumes has been carefully followed.

Founders' Week Memorial Volume, edited by Frederick P. Henry contains a brief account of the exercises celebrating the two hundred and twenty-fifth anniversary of the founding of Philadelphia, together with extended histories of the principal scientific institutions of the city. More space devoted to the recording of the speeches and addresses and describing the various events of the celebration would have enhanced the value of the volume.

The seventh volume of John Bach McMaster's splendid work entitled *A History of the People of the United States, from the Revolution to the Civil War* was published in March. This volume covers the years from 1841 to 1850, a period of great expansion of the national domain and at the same time a period in which the forces of freedom and slavery were gathering for the struggle overshadowing all other issues during the succeeding decade.

The July number of *The South Atlantic Quarterly* contains articles of interest to a great variety of readers. Among them may be mentioned *Some Bits of Colonial Humor*, by Carl Holliday; *Newspapers as a Source for the History of American Slavery*, by William Thomas Laprade; *Banking in the Territory of Florida*, by David Y. Thomas; *Federal and Confederate Pensions in the South*, by William H. Glasson; and *Theodore Roosevelt: A Characterization by Guglielmo Ferrero*.

Administration of Justice in the United States is the general topic of discussion in the July number of *The Annals of the American Academy of Political and Social Science*. The various papers, written by experts, are grouped under such subjects as the treatment of the accused and the offender, juvenile courts, the scope and limits

of the injunction, the administration of criminal law, and respect for law in the United States. The *Annals* for September is devoted to *The Settlement of Labor Disputes*; while the supplement contains an account of *The Work of the National Consumers' League* for the year ending March 1, 1910.

The pertinent editorial comments in the August number of *The Yale Review* are along the lines of *The New Leadership in Legislation*; *Arrested Development of Legislative Organs*; *Some Items in the Presidential Program*. Among the articles are: *A Better Control of Public Expenditures*, by W. M. J. Williams; *Capitalization and Market Value*, by H. J. Davenport; *Unionism and the Courts*, by George Gorham Groat; and *Typical Commercial Crises Versus a Money Panic*, by Harry G. Brown.

How New York Deals with Her Public Service Companies, by Lyman Beecher Stowe; *How Wisconsin Regulates Her Public Utilities*, by John R. Commons; and *Industrial Accidents—A Problem of To-day*, by Charles L. Chute, are among the articles in *The American Review of Reviews* for August. In the September number Judson Harmon of Ohio is the subject of a sketch by Sloane Gordon. *Federal Appropriations: Their Rapid Increase*, by James A. Tawney, is another article in this number.

The following are among the articles which have appeared in *The Survey* during the past quarter: *Democracy in Religion*, by Livy S. Richard; and *Can Citizenship be Fulfilled by Philanthropy*, by Mrs. Emmons Blaine (July 2); *Taxation and the Improvement of Living Conditions in American Cities*, by Benjamin C. Marsh (July 16); *Theodore Parker and the Work of Social Reform*, by John Haynes Holmes (August 6); *Changing Attitude of the Courts Toward Social Legislation*, by Louis M. Greeley (September 3).

Publication number nine of the American Association for Labor Legislation contains the proceedings of the third annual meeting of the Association, which was held in New York City, December 28-30, 1909. Papers were read on the following subjects: *Labor Legislation and Economic Progress*, by Henry W. Farnam; *Constitutional*

Limitations and Labor Legislation, by Ernst Freund; *The Problem of Labor Legislation under our Federal Constitution*, by Frederick N. Judson; *Precedent Versus Conditions in Court Interpretation of Labor Legislation*, by George G. Groat; and *Constitutional Problems in Workmen's Compensation*, by H. V. Mercer.

The Story of the Public Lands, by Fred Dennett, is among the articles in the June number of *Americana*. In the July number *Independence Day in 1810*, by B. T. Knight; and *Land Bounties to Lincoln, Grant, Lee and Davis*, by J. B. Offner, may be mentioned. It is to be noted that the land chosen by Lincoln lay in Iowa, part of it in Tama County, and part in Crawford County. In the August number John B. Meader writes on *The Early Indian Wars*.

A City of Vagabonds: The Largest Colony of Mendicants in the World, Merxplas, Belgium, is the topic discussed by A. F. Van Schelle in an entertaining illustrated article in *The American Journal of Sociology* for July. John Spargo traces *The Influence of Karl Marx on Contemporary Socialism*. An article on *System and Clique* is written by Wilbur Larremore. Other contributions are: *Neglected Widowhood in the Juvenile Court*, by Sophonisba Preston Breckinridge; and *Death Penalty and Homicide*, by Arthur MacDonald.

The Prudential Insurance Company of America has distributed an attractively printed volume containing *Addresses and Papers on Life Insurance and Other Subjects*, by John F. Dryden, President of the company and United States Senator from New Jersey from 1902 to 1907. Such subjects as the rise and growth of life insurance in the United States, and the taxation and regulation of insurance are treated in these addresses. *The American Type of Isthmian Canal*, and *Abraham Lincoln and Alexander Hamilton* are also subjects of addresses.

In the August number of *The Quarterly Journal of Economics* Frank Haigh Dixon writes a rather extended article on *The Mann-Elkins Act, Amending the Act to Regulate Commerce*. There is a second installment of the discussion of *Proposals for Strengthening*

the National Banking System, by O. M. W. Sprague. *Compulsory Arbitration in New Zealand* is discussed in an extended article by James Edward Le Rossignol and William Downie Stewart. The concluding contribution is one by F. Spencer Baldwin, entitled *Old Age Pension Schemes: A Criticism and a Program*.

Constitutional Developments in Foreign Countries During 1908 and 1909 is the title of an article by W. F. Dodd, which appears in the August number of *The American Political Science Review*. Following this there is an unsigned article on *Finland*. Ching-Chun Wang writes on *Why the Chinese Oppose Foreign Railway Loans*; and the closing article is a clear and interesting discussion of *The Control of Immigration as an Administrative Problem*, by Paul S. Peirce. Among the *News and Notes* may be found a *List of Doctoral Dissertations in Political Science* for 1910.

The second number of the *Journal of the American Institute of Criminal Law and Criminology* appeared in July. Among the articles are: *Insanity as a Defense to Crime; with Especial Reference to the Thaw Case*, by Frederick W. Griffin; *Criminal Statistics in Germany, France and England*, by Arthur MacDonald; and *Cesare Lombroso: A Glance at His Life Work*, by Adalbert Albrecht. In the September number Westel W. Willoughby contributes a paper in the series on *Anglo-American Philosophies of Penal Law*; and Charles A. Ellwood discusses the question: *Has Crime Increased in the United States Since 1880?*

Generally speaking, the country stretching from the Mississippi River westward to the coast range is referred to by Harlan I. Smith in an article entitled *An Unknown Field in American Archaeology*, which appears in the July number of the *Bulletin of the American Geographical Society*. In the August number the opening contribution is one by Ellen Churchill Semple on *The Anglo-Saxons of the Kentucky Mountains: A Study in Anthropogeography*, and is, as may be expected, highly interesting. Another excellent paper in this number is written by George D. Hubbard on *The Influence of the Precious Metals on American Exploration, Discovery, Conquest and Possession*.

In the third number of the fourth volume of *The Journal of American History*, Jacob S. Dill writes an article which is given the heading *American Scientist Who Charted the Oceans*, in which is told the life story of Matthew Fontaine Maury. Charles Tallmadge Conover contributes some *Original Orderly Books Written on the Battlefields of the American Revolution*. Albert A. Pomeroy discusses *Norman Foundations in the Building of American Civilization*. An article on the *Foundations of Great Metropolises in America—and Their Founders*, by H. Toler Booraem, is also of interest. Perhaps one of the most interesting contributions in this number is one by Fred W. Powell on the *First Canals on the American Continent*. The usual excellent illustrations embellish the pages.

WESTERN

John Kinzie: The Father of Chicago is the title of a little volume from the pen of Eleanor Lytle Kinzie Gordon.

A Life of John Albert Johnson, by Frank A. Day and Theodore M. Knappen, is a volume of especial western interest.

G. P. Putnam's Sons have published a volume entitled *The Ohio Country Between the Years 1783 and 1815*, written by C. E. Slocum.

University of California Library Bulletin number seventeen contains *A Bibliography of George Berkeley, Bishop of Cloyne*, compiled by H. Ralph Mead.

A. C. McClurg and Company have brought out a volume entitled *The First Great Canadian: the Story of Pierre Le Moyne, Sieur D'Iberville*, written by C. B. Reed.

Claudius Lysias Chilton is the writer of a *Centenary Sketch of William P. Chilton*, a former Chief Justice of the Supreme Court of Alabama which is printed in a neat pamphlet.

F. F. Cook is the author of a volume called *Bygone Days in Chicago: Recollections of the "Garden City" of the Sixties*, which has been published by A. C. McClurg and Company.

Volume four of the *University of Michigan Studies—Humanistic Series* is devoted to *Roman History and Mythology*, and is edited by

Henry A. Sanders. It contains four papers which were originally submitted as theses for the degree of Doctor of Philosophy at the University of Michigan.

A two-volume *History of Red River Valley*, in the writing of which a number of authors collaborated, has come from the press of the Herald Printing Company of Grand Forks, North Dakota.

Charles Manford Sharpe is the writer of an address on *Mutual Responsibilities of Church and School*, which appears in the June number of *The Graduate Magazine of the University of Kansas*.

The Archaeology of the Yakima Valley is the title of a monograph by Harlan I. Smith, which appears as a number in the series of *Anthropological Papers of the American Museum of Natural History*.

Laclede the Founder of St. Louis is the title of an exceedingly neat little brochure by Walter B. Stevens, which has been published and distributed by The Merchants-Laclede National Bank of St. Louis.

A number in the series of *University of California Publications in American Archaeology and Ethnology* published in August contains a monograph on *Chimariko Indians and Language*, by Roland B. Dixon.

The experience of Des Moines under the commission form of government is the main theme of a volume by John J. Hamilton on *The Dethronement of the City Boss*. Funk and Wagnalls are the publishers.

Hanford Lennox Gordon is the author of a volume of four hundred pages devoted to *Indian Legends and Other Poems*. The legends are from various tribes of the Dakota nation, the principal ones being entitled *The Feast of the Virgins*, *Winona*, and *The Sea-Gull*.

An Educated Democracy is the subject of an interesting address by Arthur Twining Hadley, which is printed in the July number of *The University of California Chronicle*. John Fryer's *Report to the Regents of the University of California on the Educational Reform in China*, and a discussion of *The Spanish-Portuguese Treaty of 1750*, by Bernard Moses, are other contributions.

Volume six, part one, of the *Transactions and Proceedings of the Geographical Society of the Pacific* is devoted to a discussion of *The Origin and the Meaning of the Name California*, by George Davidson. Part two contains a translation of some Sagas of the Norse sea voyages entitled *The Discoveries of the Norsemen on the Northeast Coast of America*. The translation is by Gustave Niebaum.

A full and illustrated account of the exercises commemorative of the centennial of the incorporation of St. Louis, which was celebrated on October 3-9, 1910, is contained in a volume of nearly two hundred pages entitled *St. Louis: One Hundred Years in a Week*, edited by Walter B. Stevens. Banquets, speeches, pageantry, and other forms of celebration filled an eventful week, and everything, from the preliminary arrangements to the final accounting, is described in this volume issued by the St. Louis Centennial Association.

IOWANA

The July number of *The Old Continental* contains a brief *History of the American Flag*.

Volume sixteen of the *Proceedings of the Iowa Academy of Science* has been distributed.

Land Speculation: Some of the Dangers Now Apparent is the title of an article by H. C. Taft, in the August number of *The Northwestern Banker* published at Des Moines.

The third volume of the *Roster and Record of Iowa Soldiers in the War of the Rebellion*, which has recently been issued, contains the records of the seventeenth to thirty-first regiments of infantry, inclusive.

An article *About the Dutch*, written by Jacob Van der Zee, appears in *The Alton Democrat* for Saturday, September 3, 1910. In the same issue there is another article entitled *From Pella to Sioux County*, by H. J. Van der Waa.

Hubert Case is the writer of an article on *The American Indian*, which appears in the August number of *Autumn Leaves*. In the

September number under the heading, *Memories of Childhood*, L. J. Hartman tells of his experiences in Utah, and there is *A Legend of the Cheyennes and Pawnees*.

John Frederick Hinkhouse is the editor of a volume bearing the title *The Beloved: An Iowa Boy in the Jungles of Africa*, which is devoted to the life, services, and missionary work of the late Charles Warner McCleary, whose home was at Crawfordsville, Iowa.

Ancient York Masonry and Other Topics, by C. E. Stretton; and a continuation of *Constitutional Law of Masonry*, by A. G. Pitts, are articles in the June number of *The American Freemason*. A. G. Pitts is also the writer of a sketch on *French and German Masonry* which appears in the July number. *Oaths, Ordeals and Obligations* is the subject of an article in the August number.

The Iowa Alumnus for June opens with an after-dinner address entitled *The Old Boys* delivered at the Alumni Banquet on June 15, by George Randall Parrish. Under the heading *Iowa's Latest Portrait* there is a brief biographical sketch of Judge John F. Dillon, by Mira Troth. Two other biographical sketches are: *William W. Whipple*, by Shirley Gilliland; and *Professor Laenas G. Weld*, by John Carl Parish.

The *Autobiography of Elder John L. Bear* occupies the opening pages in the July number of the *Journal of History* published at Lamoni by the Reorganized Church of Jesus Christ of Latter Day Saints. Following this are a number of continuations of biographical sketches—an installment policy of doubtful wisdom, especially when the installments are brief. Other articles are: *Texas and Her Missions*, by Elma Neal; and *Temple Lot at Far West, Missouri*, by Heman C. Smith. The *Journal* continues to cover its field in an excellent manner.

In *Midland Municipalities* for July there is an account of *The Fifth Annual Meeting of the American Civic Association*, by A. T. Ervin. *Essentials of a Clean City* is the subject of an address by Frank G. Pierce, which appears in the August number, where may also be found a portion of the proceedings of the *League of Kansas*

Cities at the meeting in May, the remainder appearing in the September number. The latter number also contains an article on the *Relation of State Department of Health to City Officials*, by William J. V. Deacon; and the program of the *Thirteenth Annual Convention of the League of Iowa Municipalities*.

An interesting and valuable piece of Iowana which has recently appeared is the first volume of the *History of Grand Lodge of Iowa A. F. and A. M.*, by Joseph E. Morcombe. After an introductory discussion of Masonry in general and its introduction into North America, the history of the lodge is traced from the beginnings during Territorial days down to the year 1865 the limit set for this volume. Following this historical narrative there are brief biographies of Past Grand Masters for the period under consideration, among whom were George W. McCleary, Theodore S. Parvin, Aylett R. Cotton, Thomas Hart Benton, Jr., and others who are well-known figures in Iowa history. There is also a sketch of Joseph Williams, one of the Justices of the Supreme Court of the Territory of Iowa. Thus this volume is a welcome addition to the literature of Iowa history, not only because it is an authentic history of the Masonic order in the State, but also because it contains much information concerning men and events during the formative period of the Commonwealth. Fortunately the book has been printed and bound in a neat and substantial manner.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Ames, Edward Scribner,

The Psychology of Religious Experience. Boston : Houghton, Mifflin & Co. 1910.

Chandler, George,

Textbook of Civics for the State of Washington. New York : American Book Co. 1910.

Crawford, James Shannon,

Political Socialism : Would It Fail in Success. Cherokee, Iowa.
Published by the author. 1910.

Day, Frank E.,

Why? How? When and What? Albion, Michigan: Anson E. Hagle. 1910.

Ellis, Katherine Ruth,

Wide Awake Girls at College. Boston: Little, Brown & Co. 1910.

Franklin, William Suddards (Joint Author),

Mechanics and Heat: A Text Book for Colleges and Technical Schools. New York: The Macmillan Co. 1910.

Hoeve, J. H.,

The Anatomy of the Head and Neck. Des Moines: Published by the author. 1910.

Hughes, Rupert,

Lakerim: New York: Century Co. 1910.

McVey, Frank LeRond,

Railroad Transportation: Some Phases of Its History, Operation and Regulation. Minneapolis: Cree Publishing Co. 1910.

Morcombe, Joseph E.,

History of Grand Lodge of Iowa A. F. and A. M., Volume I. Cedar Rapids: Grand Lodge of Iowa. 1910.

Newton, Joseph,

Abraham Lincoln. Iowa City: The State Historical Society of Iowa. 1910.

Nichols, James T.,

Lands of Sacred Story. Des Moines: Christian Union Publishing Co. 1910.

Parrish, Randall,

Keith of the Border: A Tale of the Plains. A. C. McClurg & Co. 1910.

Sabin, Edwin Legrand,

Range and Trail, or the Bar B's Great Drive. New York: Thomas Y. Crowell & Co. 1910.

Sabin, Elbridge H.,

The Magical Men of Mirth. Philadelphia: George W. Jacobs & Co. 1910.

Walsh, William Thomas,

The Mirage of the Many. New York: Henry Holt and Co. 1910.

Van Wagenen, A.,

The Government Ownership of Railways. New York: G. P. Putnam's Sons. 1910.

Wolf, Blair,

Patriotic and Promiscuous Poems. Winterset, Iowa: Published by the author. 1910.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

The Register and Leader

How Des Moines Escaped the Name of Raccoon Forks, by L. F. Andrews, July 3, 1910.

Iowa's Economic History is Written, July 3, 1910.

John Burr—Oldest of Surviving War Veterans, July 3, 1910.

Mary Ann Reece—Last of the Hardin County Quakers, July 3, 1910.

John Boyd, Iowan, Right Hand Man of Collis P. Huntington, July 10, 1910.

Passing of the Old Water Power Mills, July 10, 1910.

Olden Days on the Mississippi and at Le Claire, by E. E. McGee, July 10, 1910.

Marquette and Peace Pipe which Saved Him Among the Indians, July 10, 1910.

The Fight for Constitutional Prohibition, by C. H. Gordon, July 10, 1910.

Mrs. Nancy McKee Harsh, Whose Life Spans Entire Century, by Mrs. Addie B. Billington, July 17, 1910.

Sketch of Life of Judge Solomon F. Prouty, by L. F. Andrews, July 17, 1910.

Historical Rock with Inscription Unearthed near Madrid, Iowa, July 17, 1910.

Boosters Who Conceived the Seni-om-sed Carnivals of 1888-1898, by Norman Lichty, July 24, 1910.

Elijah Trueblood, Real Son of American Revolution, July 24, 1910.

Mark Twain in Keokuk, July 26, 1910.

Iowa's First Case of Criminal Libel Involving a Governor, July 31, 1910.

Sketch of Life of Hon. J. A. T. Hull, by L. F. Andrews, July 31, 1910.

How an Iowa Man Missed Captain Kidd's Treasure, by Alice M. Hill, August 7, 1910.

Daniel Defoe's Descendants Residents of Iowa for Seventy Years, August 7, 1910.

Sketch of Life of Corse Payton, Who Once Lived in Iowa, August 7, 1910.

Dr. John O. Skinner—One of Polk County's Honored Pioneers, August 7, 1910.

Sketch of Life of C. J. A. Ericson, August 8, 1910.

Why Iowa Owes No Debt, August 14, 1910.

Sketch of Life of P. Gad Bryan, by L. F. Andrews, August 14, 1910.

Sketch of Life of William Salter, August 16, 1910.

Advertising Iowa's Advantages First Undertaken in 1870, August 21, 1910.

Oldest Nebraskan an Iowa Woman, August 21, 1910.

Sketch of Life of L. G. Kinne, by L. F. Andrews, August 21, 1910.

John C. Welliver—Last of the Famous Guard, August 21, 1910.

Joseph Eiboek—The Famous Fighting Colonel of the Personal Liberty Brigade, August 28, 1910.

Iowa's Homestead Act, by L. F. Andrews, August 28, 1910.

Firemen's Tournaments of Long Ago, August 28, 1910.

Organization of Iowa Pioneers Formed During State Fair, September 1, 1910.

Reunion of Crocker Brigade, September 4, 1910.

S. R. Ingham—One of the Kirkwood Cabinet in the Early Days of the War, September 11, 1910.

Sketch of Life of George W. Clark, by L. F. Andrews, September 11, 1910.

In the Good Old Days in Iowa, September 11, 1910.

History of the Billington Family, by Addie B. Billington, September 11, 1910.

War Relics of General William W. Belknap of Iowa, September 11, 1910.

Sketches of Iowa Veterans, September 11, 1910.

Why Iowa Came to be Called Iowa, by L. F. Andrews, September 18, 1910.

First White Child Born in Washington, Iowa, September 18, 1910.

The Burlington Hawk-Eye

Twenty Years Ago (In each Sunday issue).

Sketch of Life of Dr. Charles A. White, July 1, 1910.

Some Memories of Gettysburg, July 3, 1910.

The Banditti of the Prairies, a Thrilling Tale of Early Iowa, July 10, 1910.

Burlington Socially in 1849, July 10, 1910.

A War-Time Hawk-Eye, July 13, 1910.

Gettysburg: Its Season of Anniversaries, July 17, 1910.

When Mark Twain Lived in Keokuk, July 23, 1910.

General U. S. Grant's Old War Horse, August 14, 1910.

Picture of Old Zion Church to Appear on Tablet, August 14, 1910.

Tributes Paid to Dr. Salter, August 19, 1910.

Dr. William Salter's Remarkable Career, August 21, 1910.

The Cane of the Iowa Band, August 21, 1910.

Salter, the Patriot, August 21, 1910.

Sketch of History of Pella, Iowa, September 4, 1910.

Sketch of Life of Col. Joseph Eiboek, September 11, 1910.

Pathetic Scenes in the Civil War, September 11, 1910.

Crocker's Iowa Brigade, September 14, 1910.

The Dubuque Telegraph-Herald

Sketch of the First Organization of Governor's Greys, August 10, 1910.

Dubuque Nearly a Century Ago, September 14, 1910.

HISTORICAL SOCIETIES

PUBLICATIONS

The *Annual Report of the Essex Institute for the Year Ending May 2, 1910*, contains the usual reports, roster of members, and a list of donations.

The July number of *The Medford Historical Register* is largely taken up with an article on *Medford's Water Supply*, by Fred L. Cushing; and an editorial entitled *The Royall House People of a Century Ago*.

The South Carolina Historical and Genealogical Magazine for July opens with *Colonel Robert Gray's Observations on the War in Carolina*. There is also a continuation of the *Records Kept by Colonel Isaac Hayne*.

The Evanston Historical Society has issued a pamphlet containing *Proceedings, Reports of Officers and a List of Donors*. There is also an illustrated account of *Lincoln's Visit to Evanston in the Year Before the War*, written by J. Seymour Currey.

Bulletin number eight of the *Publications of the North Carolina Historical Commission* contains a brief account of *Canova's Statue of Washington*, by R. D. W. Connor, together with a portion of the correspondence relative to the statue.

The Kensington Rune-Stone is the subject of an address delivered by George T. Flom before the Illinois State Historical Society in May, which is published and distributed in advance sheets of the forthcoming *Publication of the Illinois State Historical Library*.

The March number of the *Records of the American Catholic Historical Society* is devoted to an article on *The Church of the Holy Trinity, Philadelphia*, by Martin I. J. Griffin; and to the proceedings of the annual meeting of the Society on December 21, 1909.

Sketches of the lives of Howard B. Cushing, Alonzo H. Cushing, and William B. Cushing are contained in a little volume entitled *Three Wisconsin Cushings*, which has been published by the Wisconsin History Commission. Thereon Wilbur Haight is the author.

The March-April number of the *German American Annals* opens with the *German Translation of William Penn's Letter to the Free Society of Merchants in London, 1683*. There is also a continuation of William G. Bek's monograph on *The Community at Bethel, Missouri, and Its Offspring at Aurora, Oregon*.

The thirtieth volume of the *Archives of Maryland* published by the Maryland Historical Society contains the *Proceedings and Acts of the General Assembly of Maryland, April, 1715-August, 1716*, edited by William Hand Browne. This was the period of the restoration of the proprietorship in Maryland, and of the excitement over the claims of the Pretender in the mother country.

Part two of volume two of the *Proceedings and Transactions of the Royal Society of Canada* is devoted to a *Chronological Inventory of Maps, Plans and Atlases Relating to New France and the Province of Quebec—1508-1908*, compiled by N. E. Dionne. The introduction, which occupies seventeen pages, is written in French. The work will be a valuable aid to students of Canadian history.

Pipestone Quarries in Barron County is the title of an article by G. A. West which opens the April to July number of *The Wisconsin Archeologist*. Charles H. Doerflinger presents a very interesting *Franco-American Study of a Waning Prehistoric Industry*. A description of *An Ornamented Stone Axe*, by Charles E. Brown; and a list of *Indian Mounds Preserved in Wisconsin*, complete the contents.

Among the articles in the July number of the *Deutsch-Amerikanische Geschichtsblätter* are: *Die Deutschen in Mormonenkriege*, by Heinrich Bornmann; *The Germans of Davenport and the Chicago Convention of 1860*, by F. I. Herriott; *Amerikanisches Volksbildungswesen*, by Wilhelm Muller; and *Die Wirkung der Einwanderung auf die Entscheidung des Bürgerkrieges*, by Wilhelm Kaufmann.

In a volume entitled *Maine at Louisburg in 1745*, Henry S. Burrage, State Historian of Maine, performs a praiseworthy service to the cause of the history of his State. In addition to the account by the author, the book contains lists of officers and men from Maine who were at Louisburg, transcripts of correspondence and official reports relating to the siege, and a reference list of sources of information.

The *Maryland Historical Magazine* for September opens with some letters from Lieutenant-Colonel Samuel Smith to General Washington relative to the *Defense of Fort Mifflin*. Another contribution consists of some documents from the British Archives dealing with *The Burning of the "Peggy Stewart"*. A roster of Maryland troops engaged in the *French and Indian War* is taken from the Calvert Papers.

George D. Perkins is the author of a biographical sketch of the late *Azro Benjamin Franklin Hildreth* which appears in the April number of the *Annals of Iowa*. W. A. Duckworth writes interestingly of the *Escape of Iowa Soldiers from Confederate Prison*. Two other articles are: *Trial of John Brown*, by George E. Caskie; and *The Defoe Family in Iowa*, by Ona Ellis Smith. Among the editorials may be found a note on *Abraham Lincoln and His Clients*.

Bryant's Station and Its Founder, William Bryant, is the title of an article written by Thomas Julian Bryant, which opens the July number of the *Missouri Historical Review*. Heman C. Smith contributes an interesting narrative of *Mormon Troubles in Missouri*. The concluding installment of Minnie Organ's *History of the County Press of Missouri* occupies over fifty pages. G. C. Broadhead is the writer of two articles entitled *The Santa Fe Trail*, and *Missouri Weather in Early Days*.

The Houses and Buildings of Groveland, Mass., is the title of an article by Alfred Poore which appears in the *Historical Collections of the Essex Institute* for July. Then follows the *Journal of Col. Archelaus Fuller of Middleton, Mass., in the Expedition Against*

Ticonderoga in 1758. Another installment of Sidney Perley's description of *Marblehead in the Year 1700*; an article on *Familiar Ways of East Anglia*, by Pauline Willis; and some continuations of documentary material complete this number.

Two articles in the May-June number of the *Records of the Past* are: *Cremation in Cliff-Dwellings*, by J. Walter Fewkes; and *The Boone Mound*, by T. Van Hynning, which gives a description of an Iowa mound opened two years ago. The opening contribution in the July-August number is an article on *Archaeological Investigations in Honduras*, by A. Hooton Blackiston; *Examples of Unusual Zunian Pottery* are described by R. W. Shuffeldt; while Madison Davis tells of *An Almost Forgotten Battle* during the War of 1812.

Among the contributions in the *Register of Kentucky State Historical Society* for September are: *Daniel Boone*, by John Wilson Townsend; *Correspondence of Gov. Isaac Shelby*, copied from the State Archives by W. W. Longmoor; *Archives of the Ministry of Foreign Affairs*, translated by G. Waldo Leland; *Education in Harrodsburg and Neighborhood since 1775*, by Martha Stephenson; *Recollections of Louis Kossuth in Washington*, by Elizabeth Snow Sturges; and *Dueling and Some Noted Duels by Kentuckians*, by Z. F. Smith.

Frederick J. Teggart is the editor of the *Diary of Patrick Breen, One of the Donner Party*, which appears as a recent number of the *Publications of the Academy of Pacific Coast History*. Patrick Breen and his family started from Keokuk, Iowa, on the long overland journey to California on April 5, 1846, and suffered untold privations before reaching their goal. Another number of this interesting western historical series contains the *Papers of the San Francisco Committee of Vigilance of 1851*, edited by Porter Garnett.

The April-June number of *The Quarterly Publication of the Historical and Philosophical Society of Ohio* is devoted to an installment of *Selections from the Follett Papers*, arranged and edited by L. Belle Hamlin. Oran Follett was a newspaper editor in New York and Ohio and took an active part in politics in those

States during the period of 1820 to 1860. The letters here presented range through the years from 1830 to 1833. The majority of them are from the correspondence between Oran Follett and Joseph Hoxie, but there are letters from Duff Green, Henry Clay, Thurlow Weed, and others.

The July number of the *Ohio Archaeological and Historical Quarterly* opens with some *Reminiscences of a Pioneer*, edited by Clement L. Martzoff, which consists of recollections by Thomas Rogers who settled in the vicinity of Chillicothe in 1795. *Joseph Vance and his Times* is the title of an article by Benjamin F. Prince. Among the other articles are: *Muskingum River Improvement*, by Irven Travis; *Russell Bigelow, the Pioneer Pulpit Orator*, by N. B. C. Love; and *Washington's Ohio Lands*, by E. O. Randall. An account of the *Twenty-Fifth Annual Meeting of the Ohio Archaeological and Historical Society* may also be found.

The opening contribution in the April number of *The Quarterly of the Texas State Historical Association* is an article by Eugene C. Barker on *Stephen F. Austin and the Independence of Texas*. There are some interesting *Reminiscences of the Texas Revolution*, written in 1870 by Andrew A. Boyle; and three accounts of the capture and imprisonment of *The Bexar and Dawson Prisoners* are edited by E. W. Winkler. A brief monograph on *The State Finances of Texas During the Civil War*, by E. T. Miller; and some *Reminiscences of Henry Smith* found among the Lamar Papers, make up the contents of the July number.

Prehistoric Illinois: The Primitive Flint Industry, by J. F. Snyder, is the opening contribution in the July number of the *Journal of the Illinois State Historical Society*. E. K. Crews writes on *Illinois in Modern Literature*, and Mrs. John M. Palmer relates some *Remembrances of Two Springfield Weddings of the Olden Time*. Another article from the pen of J. F. Snyder is a sketch of *Governor Ford and His Family*. Edgar J. Goodspeed contributes a brief statement concerning *The Old University of Chicago in 1867*; and there are *Some Reprints From Old Books and Periodicals*, together with the usual editorial notes and book reviews.

The Circumstance or the Substance of History is the title of an article by Frederick J. Teggart, which opens the July number of *The American Historical Review*. Laurence M. Larson discusses *The Political Policies of Cnut as King of England*; and James F. Baldwin contributes a second installment of his study of *The King's Council and the Chancery*. Articles on subjects in American history are: *The Cleavage Between Eastern and Western Virginia*, by Charles H. Ambler; and *Reconstruction and Its Benefits*, by W. E. Burghardt Du Bois. Some *Documents Relative to the Adjustment of the Roman Catholic Organization in the United States to the Condition of National Independence, 1783-1789*, are contributed by Carl Russell Fish.

The first volume of the *Annual Report of the American Historical Association of the Year 1908* has been distributed. The volume opens with the proceedings of the annual meeting of the Association and of the Pacific Coast Branch, which are followed by reports of the various conferences, including the *Report of the Fifth Annual Conference on the Problems of State and Local Historical Societies*, by St. George L. Sioussat. The following papers are presented: *The Viceroy of New Spain in the Eighteenth Century*, by Don E. Smith; *Notes Supplementary to Any Edition of Lewis and Clark*, by Frederick J. Teggart; *The Historical Value of Census Records*, by Joseph A. Hill; *The American Newspapers of the Eighteenth Century as Sources of History*, by William Nelson; and three articles grouped under the general heading, *The Wilderness Campaign*. Fully one-half of the volume is occupied with the *Ninth Annual Report of the Public Archives Commission*, by Herman V. Ames.

Victor Hugo Paltsits, State Historian of New York, has rendered a valuable service to students of Revolutionary War history by editing and publishing the *Minutes of the Commissioners for Detecting and Defeating Conspiracies in the State of New York*. These commissioners, to whom comprehensive powers were granted by the legislature, were selected from the seven counties of the State, and as a rule sat as separate boards in their respective counties. The

acts and proceedings of the Albany County Sessions, from 1778 to 1781, however, seem to be the only regular and complete records of the activities of the commissioners which have been preserved. The fact that the records of this one county board, covering as they do less than four years, occupy two large volumes is an indication of the varied and important duties which the commissioners performed. The editorial work by Mr. Paltsits has evidently been done with painstaking care, and the volumes are admirably printed and bound. A third volume, contains a comprehensive index.

ACTIVITIES

The Madrid (Iowa) Historical Society, through its Secretary, C. L. Lucas, displays a commendable activity in the way of historical articles in the local newspapers. In the *Madrid Register-News* for August 18, there is an extended *History of Madrid and the Community*, by Mr. Lucas.

The annual meeting of the American Historical Association will be held at Indianapolis during the holidays. The mid-winter meeting of the Mississippi Valley Historical Association will be held at the same time and place, and it is expected that there will be a joint program with the Ohio Valley Historical Association.

The following addresses were delivered at the State Field Assembly of the Wisconsin Archaeological Society on July 29 and 30, 1910: *The Four Lakes Regions in Aboriginal Days*, by Reuben Gold Thwaites; *The Preservation of Prehistoric Remains in Ohio*, by Emilius O. Randall; and *The Relation of Archaeology to History*, by Carl Russell Fish.

The *List of Documents in Spanish Archives* prepared by Dr. J. A. Robertson will soon be published by the Department of Historical Research of the Carnegie Institution of Washington. Dr. David W. Parker has also completed the collecting of material for his *Calendar of Territorial Papers in Washington Archives*, a work which will be heartily welcomed by all students of western history.

At the annual meeting of the Texas State Historical Association held on March 2, 1910, the following officers were elected: A. W.

Terrell, President; Beauregard Bryan, First Vice-President; R. L. Batts, Second Vice-President; M. J. Bliem, Third Vice-President; Luther W. Clark, Fourth Vice-President; J. L. Worley, Corresponding Secretary and Treasurer. The Association, as well as the brotherhood of historians throughout the country, suffered a severe loss in the death of Professor George P. Garrison, which occurred on July 3, 1910.

THE STATE HISTORICAL SOCIETY OF IOWA

The address on *Abraham Lincoln*, which was delivered before the Society by Mr. Joseph Newton at the meeting in May, has been printed and distributed.

Professor Laenas G. Weld's address entitled *On the Way to Iowa*, which was delivered before the Society at the May meeting, will be printed and distributed to the members.

Professor John E. Brindley's two volume *History of Taxation in Iowa* is in press and will be distributed early in the winter. This work will appear in the *Iowa Economic History Series*.

Mr. Clarence Ray Aurner, a member of the Society, who for many years has been Superintendent of Schools at Tipton, Iowa, has completed a history of Cedar County, Iowa, and is now engaged in writing a history of Johnson County.

Mr. Kenneth W. Colgrove, a member of the Society who has made valuable contributions to its publications, has entered Harvard University as a graduate student. Mr. Colgrove received the degree of M. A. at the State University of Iowa in June.

Mr. Carroll B. Martin has succeeded Mr. Walter S. Cardell as General Assistant in the Society, and Miss M. Florence Franzén has been appointed Library Assistant to succeed Miss Hazel Hayward. Mr. Clifford Powell has also been appointed an Assistant in the Library.

The following persons have recently been elected to membership in the Society: Miss Nellie L. Baldwin, Des Moines, Iowa; Mr. R. K. Corlett, Burlington, Iowa; Mr. P. H. Donlon, Emmetsburg,

Iowa; Mr. John Fletcher, Des Moines, Iowa; Miss Sara L. Hart, Iowa City, Iowa; Dr. Leora Johnson, Iowa City, Iowa; Miss Mary Kelly, Perry, Iowa; Mrs. John A. Nash, Audubon, Iowa.

Mr. Jacob Van der Zee, who for many years has been actively engaged in the work of the Society, has entered the Law College of Harvard University. He will still maintain a connection with the Society, however, and will complete his history of the Hollanders in Iowa.

Dr. Louis Pelzer spent a portion of the summer at Iowa City, and has now nearly completed his biography of Henry Dodge which will be published in the *Iowa Biographical Series*. Dr. Pelzer has returned to the Montana State Normal School where he occupies the chair of History.

At the meeting of the Board of Curators on Wednesday, October 5, the following officers were elected for the ensuing year: Mr. Euclid Sanders, President; Mr. Paul A. Korab, Treasurer; Dr. Frank E. Horack, Secretary. Mr. Marvin H. Dey was chosen to fill a vacancy in the Board of Curators.

NOTES AND COMMENT

The National Municipal League will hold its annual meeting at Buffalo, New York, on November 14-16, 1910.

The thirteenth annual convention of the League of Iowa Municipalities was held at Waterloo, September 20-22, 1910.

Goldwin Smith, the eminent historian, passed away on June 7, 1910, at Toronto. He was eighty-seven years of age.

Dr. Charles Abiathar White, formerly State Geologist of Iowa and for many years a Professor in the State University of Iowa, passed away during the last week in June.

Mrs. Judith Ellen Foster, who played such an important part in the prohibitory amendment campaign in Iowa in the early eighties, died in Washington, D. C., on August 11, 1910.

A progressive move has been made at the University of Rochester by the establishment of a Department of Citizenship, which will be devoted largely to the problems of municipal government. Mr. Howard T. Mosher is in charge.

In accordance with an act of the legislature of the State of New York at its last session the Dutch manuscript records of New Netherland are to be translated and published. The enlightened policy of New York relative to the preservation and publication of official records and documents should serve as an example for other Commonwealths.

On August 7, 1910, occurred the death of Charles John Alfred Ericson at Boone. Mr. Ericson was born in Sweden in 1840, and in 1859 he came to Boone County where he entered upon a business career. Abundant success attended his efforts, and the Ericson Public Library in the city of Boone is a lasting monument to his memory. As a member of the General Assembly for many years Mr. Ericson occupied an influential and useful position.

A Legislative Reference Department was established in Ohio by an act of the legislature approved in May. The act provides that the Department shall be in connection with the State Library, but that it shall be in charge of a person fitted for the work by training and experience. Among other duties he is to assist in the formulation of bills when requested to do so by members of the legislature.

WILLIAM SALTER

Dr. William Salter passed away at his home in Burlington, Iowa, on August 15, 1910. He was born in Brooklyn, New York, on November 17, 1821. In 1846, as a member of the famous Iowa Band, he came to Burlington and took up his duties as pastor of the First Congregational Church of that place. In this position he remained until the date of his death—a remarkable record of sixty-four years' continual service in one pulpit.

Himself a pioneer of Iowa, coming to the State in the year of its admission into the Union and witnessing its development from a rude frontier to a prosperous, influential Commonwealth, he was admirably fitted to write upon subjects in Iowa history. And so from time to time he devoted himself to historical writing and the result is a large number of valuable articles in different periodicals, together with several separate volumes. Among the latter the best known and most widely used in his book entitled *Iowa: The First Free State in the Louisiana Purchase*. Other volumes from his pen are: *The Life of James W. Grimes*, with whom he was intimately acquainted; and *Sixty Years and Other Discourses with Reminiscences*.

It would be no exaggeration to say that William Salter exerted an influence which reached throughout the State whose interests he ever had at heart. The memory of his kindly, useful life will long be cherished by all who knew him, and his writings will continue to have an honored place in the literature of Iowa history.

CONTRIBUTORS

LOUIS PELZER, Professor of History in the Montana State Normal School. Born near Atlantic, Iowa, in 1879. Graduate of Iowa State Normal School in 1901. Principal of Schools, Shelby, Iowa, 1905-1907. Graduated from The State University of Iowa in 1907. Received the degree of Ph. D. at The State University of Iowa in 1909. Author of *The Negro and Slavery in Early Iowa*; and *The Origin and Organization of the Republican Party in Iowa*; and *The History and Principles of the Whigs of the Territory of Iowa*; and *The Election of Francis Gehon in 1839*; and *The History and Principles of the Democratic Party of the Territory of Iowa*; and *The History and Principles of the Democratic Party of Iowa, 1846-1847*; and *Augustus Caesar Dodge*, a biography; and *The History of Political Parties in Iowa from 1857 to 1860*. Editor of *A Journal of Marches by the First United States Dragoons, 1834-1835*.

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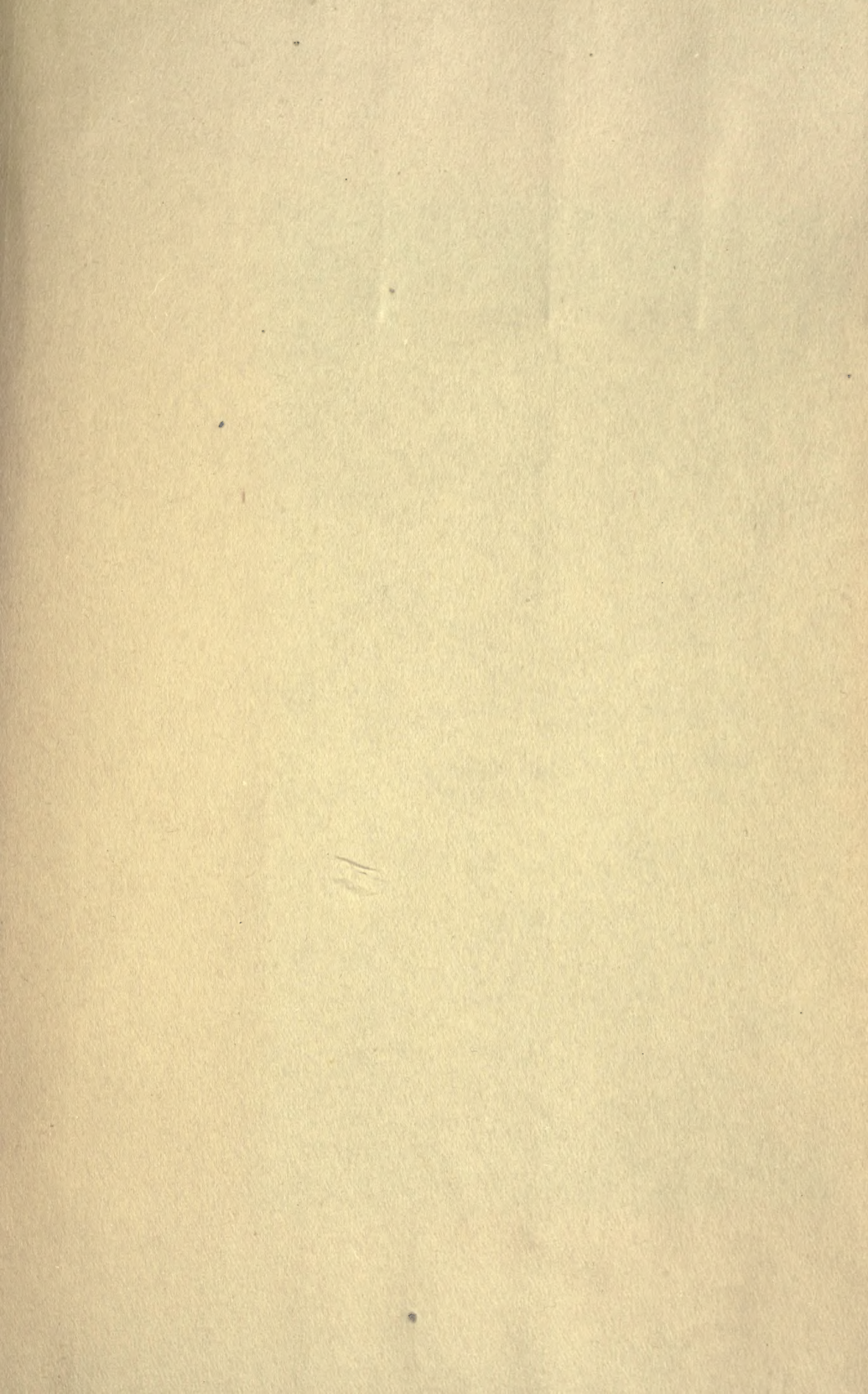
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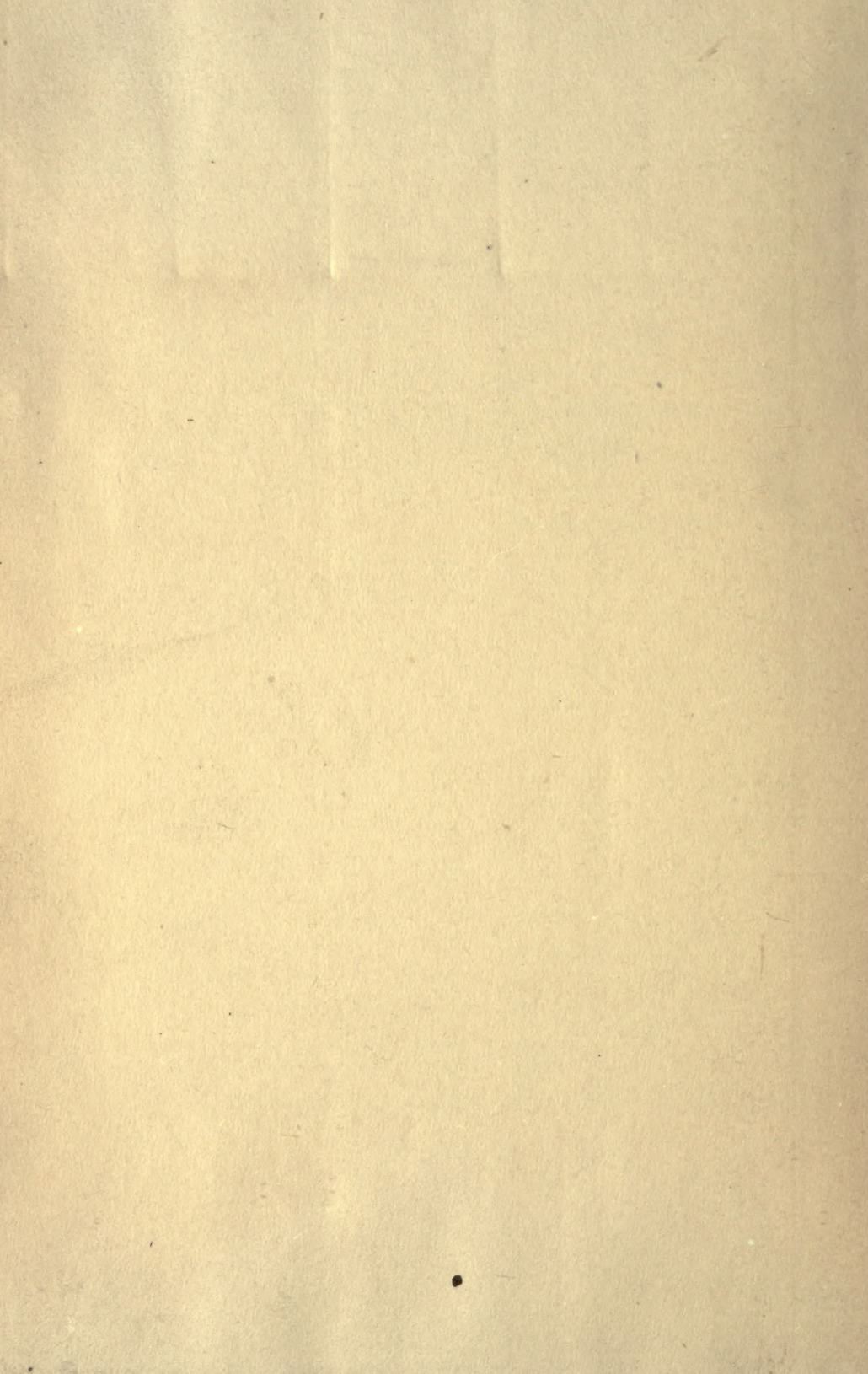
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